

OLC 74-1357
26 June 1974

MEMORANDUM FOR: Deputy Director for Operations
Office of General Counsel

SUBJECT: Prohibition of Police Training

1. Senator James Abourezk (D., S. Dak.) has introduced an amendment to S. 3394 which amends the Foreign Assistance Act of 1961. The text of the amendment is on page S 11203 of the attached pages from the Congressional Record. Hearings on S. 3394 are now being held by the Senate Foreign Relations Committee.

2. The Abourezk amendment would place a more rigid restriction on U.S. training of foreign police by prohibiting training in the U.S. and by including... "other internal security forces of any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad." The amendment further precludes the use of funds for such purposes under the Foreign Assistance Act or any other law.

3. Presently, the prohibition concerns funds under the Foreign Assistance Act, overseas training and only... "police training or related program in a foreign country." You will recall that when this provision was debated last year, the House then prevailed over a harsher Senate version. The text of the present prohibition (in Public Law 93-189 Foreign Assistance Act of 1973) is as follows:

"Sec. 112. Prohibiting Police Training. -- (a) No part of any appropriation made available to carry out this Act shall be used to conduct any police training or related program in a foreign country.

"(b) Subsection (a) of this section shall not apply--

"(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States; or

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"(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting any such program.

Notwithstanding paragraph (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment."

4. Your views and comments are requested as to the effect of the Abourezk amendment upon Agency activities and as to whether we should seek amending language.

GEORGE L. CARY
Legislative Counsel

STAT

Attachments:

- 1) Pages from Record
- 2) S. 3394

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INTERNAL USE ONLY

June 21, 1971

AMENDMENT OF THE FOREIGN ASSISTANCE ACT--AMENDMENTS

AMENDMENT NO. 1511

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. ABOUREZK submitted an amendment intended to be proposed by him to the bill (S. 3394) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ABOUREZK. Mr. President, the now familiar panacea for domestic ills, law and order, has long been used to describe American objectives in the troubled areas of Africa, Asia, and Latin America. While the Federal Government did not start aiding local U.S. police agencies until 1968, we have been supplying the police of selected underdeveloped nations with equipment, arms, and training since 1954. U.S. funds have been used to construct the National Police Academy of Brazil, to renovate and expand the South Vietnamese prison system, and to install a national police communications network in Colombia. The Agency for International Development estimates that over 1 million foreign policemen have received some training or supplies through the U.S. public safety program—a figure which includes 100,000 Brazilian police and the entire 120,000-man National Police Force in South Vietnam.

U.S. foreign aid programs in the underdeveloped third world call for a modest acceleration of economic growth, to be achieved wherever possible through the normal profitmaking activities of U.S. corporations and lending institutions. It is obvious, however, that an atmosphere of insecurity and rebelliousness does not provide an attractive climate for investment. In the rapidly urbanizing nations of the third world, civil disorders have become a common phenomenon as landless peasants stream to the cities in search of economic and cultural opportunities.

Since most of these countries cannot satisfy the aspirations of these new city-dwellers under present economic and social systems built up tensions are increasingly giving way to attacks on the status quo. After his 1969 tour of Latin America, Nelson Rockefeller noted in his report to the President that while Latin armies:

Have gradually improved their capabilities for dealing with Castro-type agrarian guerrillas, it appeared that radical revolutionary elements in the hemisphere are increasingly turning toward urban terrorism in their attempts to bring down the existing order.

This prediction has already been borne out in Brazil and Uruguay, where urban guerrillas have in the past staged spectacular bank robberies and kidnappings.

Since the late 1950's a paramount concern of American policymakers has been the preservation of social stability in countries deemed favorable to U.S. trade and investment. U.S. military planning has been shaped by the need to provide, on a moment's notice counterinsurgency forces that can be flown in to the aid of friendly regimes threatened by popular insurrection. The military assistance program has been used to upgrade the capabilities of indigenous forces to over-

come the rural guerrilla forces. Finally, on the premise that the police constitute the first line of defense against subversion, the Agency for International Development has funneled American funds and supplies into the hands of third world police forces.

During hearings on the foreign assistance appropriations for 1965, AID Administrator David Bell described the rationale behind U.S. police assistance programs as follows:

Maintenance of law and order including internal security is one of the fundamental responsibilities of government . . .

Successful discharge of this responsibility is imperative if a nation is to establish and maintain the environment of stability and security so essential to economic, social, and political progress . . .

Plainly, the United States has very great interests in the creation and maintenance of an atmosphere of law and order under humane, civil concepts and control . . . When there is a need, technical assistance to the police of developing nations to meet their responsibilities promotes and protects these U.S. interests.

The public safety program is not large in comparison to the military aid program—but its supporters can muster some impressive arguments in its favor. It is argued, for instance, that the police—being interspersed among the population—are more effective than the military in controlling low-scale insurgency. Supporters of the police assistance program also point out that police forces are cheaper to maintain than military forces, since they do not require expensive "hardware" like planes, tanks, and artillery.

These arguments, advanced by men like Col. Edward Lansdale, formerly of the CIA, received their most favorable response from President John F. Kennedy and his brother Robert, then the Attorney General, in the early 1960's. Presidential backing was responsible for a substantial expansion of the public safety program in 1962, and for the centralization of all U.S. police assistance activities in AID's Office of Public Safety. The State Department memorandum establishing OPS is noteworthy for its strong language—the memo, issued in November 1962, declared that AID—

Vests the Office of Public Safety with the primary responsibility and authority for public safety programs and gives that Office a series of powers and responsibilities which will enable it to act rapidly, vigorously, and effectively . . . powers greater than any other technical office or division of AID.

The two Kennedys also gave enthusiastic support to the creation of an Inter-American Police Academy in the Panama Canal Zone. Later, in order to open the Academy to police officers from other countries, it was moved to Washington, D.C., and reorganized as the International Police Academy.

The Office of Public Safety is empowered to assist third world police organizations in three ways: First, by sending "public safety advisers" who provide "in-country" training for rank and file policemen only at the expense of the host country; second, by providing training at the International Police Academy and other U.S. schools for senior police officers and technicians; and, third, by ship-

ping weapons, ammunition, radios, patrol cars, jeeps, chemical munitions, and related equipment.

Last year, after the passage of an amendment to the Foreign Assistance Act of 1974, I directed a letter to USAID requesting information on what the OPS program would encompass in the next 2 years, taking in consideration the new congressional limitations imposed on OPS.

Mr. Matthew Harvey, AID Assistant Administrator for Legislative Affairs, responded only in part to the question by choosing to omit the OPS plans for the continued export of police and paramilitary weaponry. Harvey states:

During the next two years, the Office of Public Safety projected assistance to a number of countries. Currently Public Safety programs are being implemented in 18 countries.

Commitments include Public Safety advisory assistance mainly in the field of administration and management—training both in-country and at the International Police Academy in Washington, D.C.—commodity assistance which includes items such as vehicles, communications, police type weapons and training aids.

The International Police Academy is scheduled to provide training for police officers from nations of the free world. Of high priority is training of foreign police officers who are responsible for the maintenance of law enforcement resources which are committed to the international narcotics control efforts. The Public Safety program also includes a training program for the Africa region which will enable police officers from 21 countries to receive U.S. training.

The Office of Public Safety is also scheduled to provide TDY technical assistance to countries in the development of the police institution. The Office of Public Safety has been tasked to provide technical assistance in developing narcotic control programs which include such specialized fields as criminalistics, records and communications.

b. As you are probably aware the Senate/House conferees have reported out the foreign aid bill which under Section 112 requires the ending of all Public Safety overseas programs. If signed into law in this form, the Bill would not affect the activities of the International Police Academy in Washington. The Academy would continue to train police officers in modern police management and techniques as at present.

Using Latin America to measure the scope of these activities, we find that over 150 public safety advisors have been stationed in 15 countries until now, and that some 2,000 Latin police officers have received training at the International Police Academy. In addition, over \$42 million has been given to these countries in OPS supporting assistance programs in the last 3 years alone. Until 1972, the leading beneficiary of the public safety program in Latin America was Brazil, which received almost \$8 million in OPS funds by the middle of 1972. Since then, the largest recipients of OPS aid have been Colombia and Guatemala.

In providing this kind of assistance, OPS notes that:

Most countries possess a unified civil security service which "in addition to regular police include para military units within civil police organizations and paramilitary forces such as gendarmeries, constabularies, and have as their primary mission maintaining internal security.

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CONGRESSIONAL RECORD — SENATE

S 11201

"The AID program is designed to encompass all of these functions. According to OPS:

Individual Public Safety programs, while varying from country to country, are focused in general on developing within the civil security forces a balance of (1) a capability for regular police operations, with (2) an investigative capability for detecting and identifying criminal and/or subversive individuals and organizations and neutralizing their activities, and with (3) a capability for controlling militant activities ranging from demonstrations, disorders, or riots through small-scale guerrilla operations.

As noted in the 1962 State Department memo, OPS possesses unique powers not granted to other AID bureaus. These powers enable OPS to "act rapidly, vigorously and effectively" in aiding Latin regimes threatened by popular uprisings. When a crisis develops in a Latin capital, OPS officials often stay up "night after night" in their Washington, D.C., office to insure that needed supplies—including radios and tear gas—reach the beleaguered police of the friendly regime.

AID officials insist that public safety assistance is "not given to support dictatorshipships." But there are apparently exceptions to this rule: Administrator Bell told a Senate Committee in 1965 that:

It is obviously not our purpose or intent to assist a head of state who is repressive. On the other hand, we are working in a lot of countries where the governments are controlled by people who have shortcomings.

Not wanting to embarrass AID or any of the people we support who have "shortcomings" Bell did not mention names.

It is entirely possible that one country Bell was referring to is Brazil—a country which until 1972 enjoyed a substantial OPS contribution despite well-documented reports that political prisoners are regularly being tortured by the police. In justifying continued OPS aid to such regimes, Bell explained that:

The police are a strongly anti-Communist force right now. For that reason it is a very important force to us.

It is no surprise that these men should consider a small amount of allegedly Communist-led terrorism to be sufficient reason to subsidize the repressive apparatus of a totalitarian regime.

THE "PUBLIC SAFETY PROGRAM" IN SOUTH VIETNAM

According to a letter I received from the State Department dated February 5, 1974, Assistant Administrator Harvey stated that after June 14, 1974, there will be no South Vietnamese police officers admitted to training courses of whatever nature at the International Police Academy.

In another letter, dated January 28, the Department states that:

No U.S. personnel, either civilian or military, are advising the Vietnamese National Police under any contracts with the Department of Defense or other government agency. Such action would be in violation of the Ceasefire Agreement of January 27, 1973 which has been strictly complied with.

Yet, in an article dated February 16, David K. Shieler, a New York Times correspondent stated that

great deal of evidence to the contrary. Shieler writes:

Although the Paris agreements explicitly rule out advisers to the police force, the South Vietnamese National Police continue to receive regular advice from Americans.

In a recent conversation with this correspondent, two high-ranking officers said they and their staffs met frequently with the Saigon station chief of the CIA, and his staff. Sometimes, they said, the CIA chief asks the police to gather intelligence for him, and often they meet to help each other analyze the data collected.

A police official confirmed that in some provinces "American liaison men" who work with the police remain on the job. "There are still some, but not so many," he said.

EPISODE IN POLICE STATION

Local policemen still refer to "American police advisers," according to James M. Markham, Saigon bureau chief of The New York Times, who was detained by the police late in January after a visit to a Vietcong-held area.

Mr. Markham said that in both Qui Nhon, where he was held overnight, and Phan Thiet, where he was detained briefly while being transferred to Saigon, policemen, talking among themselves, referred to the "police adviser." In Phan Thiet, he reported, a policeman was overheard saying, "Let's get the American police adviser over here."

In the last six weeks The New York Times has made repeated attempts to interview officials in the United States Agency for International Development who are responsible for American aid to the police. Although the officials appeared ready to discuss the subject, they were ordered by the United States Ambassador, Graham A. Martin, to say nothing.

Contrary to assurances from the State Department, it is doubtful that police assistance to South Vietnam has been terminated. One is compelled to ask, therefore, just what the Congress and the American people have to do to stop the incessant funding of the South Vietnamese police forces. What does it take to tell AID, OPS and others in the administration, no. We have passed a law specifically prohibiting U.S. police assistance or training to South Vietnam and yet, the programs continue to go on, apparently almost unabated.

In 1971, Michael Klare wrote an excellent report on the public safety program in South Vietnam. While the report may not be a description of the public safety program as it exists today in South Vietnam, it does represent the most accurate history and description of the program as it existed until recently. It indicates, I believe, the real focus and intent of the public safety program even as it exists today.

Mr. President, I ask unanimous consent that the report be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

REPORT

The Public Safety program in South Vietnam is the largest and one of the oldest U.S. police assistance programs—half of AID's Public Safety Advisors and more than half of OPS's annual budget are committed to Vietnam operations. The Vietnam program began in 1955, when Michigan State University received a contract from the

predecessor agency) to assemble a team of police experts to advise the government of Ngo Dinh Diem. Ultimately 33 advisors served in the Police Division of the now famous Michigan State University Group (MSUG); of this group, at least a few are known to have been CIA agents. The police division supervised the reorganization of Vietnam's decrepit police system, provided training in a variety of police skills, provided small arms and ammunition, and helped establish a modern records system for filing data on political suspects.

The MSUG effort was superseded in 1959 by a Public Safety Division (PSD) under direct U.S. management. In keeping with President Kennedy's call for increased counterinsurgency initiatives, the program was vastly expanded in 1962. Beginning with a staff of six in 1959, the PSD mission in Vietnam increased to 47 in 1963, and to 204 by mid-1968. Total support of the PSD program had reached \$95,417,000 by the end of fiscal year 1968, and has continued at the rate of about \$20 million a year; (some of these funds are supplied by the Department of Defense rather than by AID).

From the very start of the Vietnam conflict, the National Police (NP) of South Vietnam has been regarded by our government as a paramilitary force with certain responsibilities related to the overall counterinsurgency effort. In the Foreword to a manual on *The Police and Resources Control in Counterinsurgency* (Saigon, 1964), Chief Frank E. Walton wrote that "the methods included in this text are emergency procedures not utilized in a normal peace-time situation. They are stringent, war-time measures designed to assist in defeating the enemy..." In order to upgrade Vietnamese police capabilities to carry out its wartime responsibilities, PSD supervised the consolidation of all regional, provincial and specialized police agencies under the directorate of National Police in 1962, and subsequently prepared a "National Police Plan" for Vietnam in 1964. Under the plan, the NP's personnel strength grew from 19,000 men in 1963 to 52,000 by the end of 1965, 70,000 in 1967, and 85,000 by the end of 1969. To keep pace with this rapid growth, the plan provided for a vast increase in U.S. technical assistance, training and commodity support. Public Safety Division aid and management have become so extensive, that the National Police might more properly be considered a U.S. mercenary force than an indigenous institution.

SPECIFIC FUNCTIONS

The specific counterinsurgency functions performed by the police—resources control, identification, surveillance and pacification—are spelled out in an OPS brochure on *The Role of the Public Safety in Support of the National Police of Vietnam* (Washington, D.C., 1969), and in AID's *Program and Project Data Presentations to the Congress for Fiscal Year 1971*.

Resources Control is defined by Public Safety Advisor E. H. Adkins Jr. as "an effort to regulate the movement of selected resources, both human and material, in order to restrict the enemy's support or deprive him of it altogether..." In order to prevent the flow of supplies and people to and from villages loyal to the National Liberation Front (NLF), 7,700 members of the National Police currently man some 650 checkpoints at key locations on roadways and waterways, and operate mobile checkpoints on remote roads and trails. By 1969, more than 468,466 persons had been arrested in this program, of whom 28,000 were reported as "VC suspects." AID reported that "Resources control efforts in 1969 resulted in nearly 100,000 arrests including more than 10,000 known or suspected Vietcong. Confiscations included 100,000 pounds of rice, 100,000 pounds of opium and 6,000 tons of contraband foodstuffs."

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The National Identity Registration Program is described by OPS as "an integral part of the population and resources control program." Under a 1957 law, amended in 1967, every Vietnamese 15 years and older is required to register with the Saigon government and carry identification cards; anyone caught without the proper ID cards is considered a "VC suspect" and subject to imprisonment or worse. At the time of registration, a full set of fingerprints is obtained from each applicant, and information on his or her political beliefs is recorded. By 1971, 12,000,000 persons are to have been reached by this identification/registration program. "Once completed," AID explains, "the identification system will provide for a national repository of fingerprints and photographs and biological data. It will be one of the most complete national identification systems in the world, and one of the most badly needed."

Surveillance of persons and organizations suspected of harboring anti-government sentiments is the responsibility of the NP's Special Police Branch (SP). The Special Branch is nothing more or less than Vietnam's secret police; originally the Indo-Chinese branch of the French Surete, the SP was known as the Vietnamese Bureau of Investigation during the Diem regime. According to the 1962 decree establishing the National Police, the SP was given the responsibilities of: "Gathering information on political activities," and "carrying out undercover operations throughout the country, searching for, investigating, keeping track of, and prosecuting elements indulged in subversive activities." OPS documents state that "SP agents penetrate subversive organizations," and "use intelligence collection, political data [and] dossiers compiled from census data . . . to separate the bad guys from the good." AID has nothing to say about the criteria used to separate the "bad guys" from the "good guys"; anyone familiar with the Vietnamese scene knows, however, that the SP's major responsibility is surveillance of non-Communist groups that could pose a political challenge to the regime in power. Persons who advocate negotiations with the NLF are routinely picked up by the Special Police and sentenced to stiff prison terms.

Pacification usually brings to mind "good will" projects like school construction and free medical care in Vietnam, however, the paramount task of the U.S. pacification effort is the identification and neutralization of the local NLF administrative apparatus—in Pentagon nomenclature, the "Viet Cong Infrastructure" (VCI). The counter-infrastructure campaign was initiated by the CIA in July 1968 as the "Phung Hoang" program—better known in English as Operation Phoenix. This program, incorporated into the Civil Operations and Revolutionary Development Support (CORDS) effort, is described by American officials as "a systematic effort at intelligence coordination and exploitation." In the intelligence phase, all allied intelligence services—including South Vietnam's Special Police Branch and America's CIA and military intelligence organization—are supposed to pool the data they have collected (or forcibly extracted) from informers and prisoners on the identity of NLF cadres. It is for this ultimate purpose that most of the other police functions described above—interdiction, identification, registration and surveillance—are carried on. In the exploitation phase of Phoenix, members of the paramilitary National Police Field Forces, sometimes assisted by the Army, make secret, small-scale raids into contested areas to seize or eliminate persons who have been identified by the intelligence services as "VCI agents." In testimony before the Senate Foreign Relations Committee, the head of CORDS, Gen. William Westmoreland, Colby stated that in 1969 a total of 19,534

suspected VCI agents had been "neutralized"—of this amount 6,187 had been killed, 8,515 arrested, and 4,832 persuaded to join the Saigon side. Colby insisted that Phoenix did not constitute an "assassination" or "counter-terror" operation.

Each of the counterinsurgency programs described has been accompanied by an expansion of the prison population of South Vietnam. Since prison management is considered a major task of the overall police responsibility, the U.S. Public Safety program includes substantial assistance to the Directorate of Corrections—the Saigon agency ultimately responsible for the operation of South Vietnam's 41 civil prisons. U.S. aid has enabled the Directorate to enlarge the prison system from its 1967 capacity of 20,000 prisoners to the present capacity of 33,435 inmates.

From 1967-1969, OPS expenditures in support of prison maintenance have totaled \$1.6 million. Specific project targets in 1969, according to AID's *Program and Project Data Presentations to the Congress*, include: "The renovation and expansion of selected correction centers, the addition of up to 1,000 trained personnel to administer correction centers . . . and the implementation of a plan for relocating prisoners in order to reduce overcrowding and provide greater security from VC attacks." To achieve these targets, "AID will provide technical advisors to help supervise relocations and to train new recruits . . . [and] will provide supplies for prison security . . ." One of the facilities selected for the relocation program was the dread prison of Con Son Island with its now-notorious "tiger cages."

TIGER CAGES GET HIGH RATINGS

Americans who were in Saigon in the late Fifties under the Michigan State-CIA police advisory mission noted at the time that opposition politicians were frequently carted off to Con Son. The U.S. government's own figures state that at least 70 percent of the prisoner population throughout Vietnam is political, and another nine percent is "military"—that is, POW's. It has been said for years that to know the status of the non-communist political opposition, Con Son was the place to go.

U.S. Public Safety Advisor Frank Walton, former Los Angeles Deputy Chief of Police, with a reputation for being hard on minorities, is one of 225 Public Safety Advisors with the Agency for International Development in Vietnam. Walton declared Con Son to be "a correctional institution worthy of higher ratings than some prisons in the U.S." with "enlightened and modern administration."

In order to upgrade the administrative capabilities of the Corrections Directorate, AID regularly provides training to Vietnamese prison officials "outside of Vietnam." Although AID does not divulge any details, the ten officials receiving such training in fiscal year 1969 are probably among the 60 Vietnamese police officers brought to the U.S. to attend special courses. According to the AID manual on *Public Safety Training*, foreign police personnel can attend an 18-week course in "Penology and Corrections" at Southern Illinois University in Carbondale. The Southern Illinois program includes instruction in such topics as: "disposition of convicted offenders and juveniles; philosophy and practice of correctional institutional management; methods of correctional staff training and development." The program also includes a course on "Correctional Institute Design and Construction."

One begins to appreciate the breadth of the Vietnam program by reading AID's 1971 budget request—\$13 million is being sought to achieve the following "Project Targets": provision of commodity and advisory support to police and corrections at the end of FY 1971 . . . assisting the National

Identity Registration Program (NIRP) to register more than 12,000,000 persons 15 years of age and over by the end of 1971; continuing to provide basic and specialized training for approximately 40,000 police annually; providing technical assistance to the police detention system including planning and supervision of the construction of facilities for an additional 2,000 inmates during 1970; and helping to achieve a major increase in the number of police presently working (6,000) at the village level.

This presentation, it must be remembered, only represents programs under AID authority; missing from this prospectus are NP activities financed by the CIA and the Defense Department. Military Assistance funds are used to finance the activities of the paramilitary National Police Field Forces (NPFF), which, by January 1969, constituted a small army of 12,000 men organized into 75 companies (our expansion plans call for a total complement of 22,500 men and 108 companies by the end of 1970). Because of the "military commonality" of their equipment, all commodities support to the NPFF is provided by the Pentagon. The extent of CIA contributions to the National Police is of course impossible to determine; it is known, however, that the CIA has been involved in modernizing Vietnam's secret police files since 1955. One does not have to invoke the sinister image of the CIA, however, to establish beyond a doubt that the United States is intimately involved in every barbarous act committed by the South Vietnamese police on behalf of the Saigon government.

Mr. ABOUREZK, Mr. President, there are other programs in the Office of Public Safety which concern me a great deal. According to reports which I received last year, the U.S. Government has been training foreign policemen in bomb-making at a remote desert camp in Texas. At the U.S. Border Patrol Academy in Los Fresnos, Tex., foreign policemen are taught the design, manufacture and potential uses of homemade bombs and incendiary devices by IPA instructors. At least 165 policemen have taken this "Technical Investigations Course" since it was first offered in 1969.

While I was assured at the time that the course had been terminated, I have recently learned that it has resurfaced—this time in Edgewood, Md. According to E. H. Adkins, Deputy Director of the IPA, in an interview with Carol Clifford of the Los Angeles Times, the course has been "revamped" and renamed prevention and investigation of contemporary violence.

In addition to the bomb school, I have learned that International Police Academy graduates also attend a school for Psychological Operations at Fort Bragg, N.C.

The school, which is held at the U.S. Army Institute for Military Assistance at Fort Bragg, N.C., includes courses with such titles as subversive insurgent methodology, psychological operations in support of internal defense and development, the role of intelligence and internal defense. According to Adkins, the purpose of the school is to "teach police how the military handles psychological warfare problems."

We have also learned that the IPA counts among its graduates security guards employed by Aramco, the Arabian American Oil Co.

with other reports of OPS activity which I have found in the

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last year including letters from foreigners indicating U.S. complicity in the use of torture in countries abroad, but I think that the point is clear:

This country is involved in an activity which is totally divorced from the scope and intention of U.S. foreign aid. The Office of Public Safety and the International Police Academy mocks the purpose of other AID programs and has inflicted an indelible blemish on the past record and accomplishments of USAID programs.

For this reason, I am introducing an amendment to the Foreign Assistance Act of 1975 which would prohibit this insensitive activity from continuing.

Last year we were only partially successful in curtailing the activities of the OPS. Presently, only U.S. funds for police training in foreign countries is prohibited. Obviously, a great deal of activity has continued to persist. The International Police Academy has now graduated 4,000 students and they continue to come. Supporting assistance to many of the most repressive governments in the world today continue to go on unabated. And new programs such as the "contemporary violence" course in Maryland continue to spring up.

It is time, I believe that the Congress terminates this program and all related activities in regard to police and prison support. I am hopeful that my colleagues will agree with me, and support this amendment when it comes up for consideration later this summer.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1511

On page 7, between lines 13 and 14, insert the following new section:

PROHIBITING POLICE TRAINING

SEC. 10. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 859. (a) Prohibiting Police Training.—None of the funds made available to carry out this or any other law, and none of the local currencies accruing under this or any other law, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other internal security forces of any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

"(b) Subsection (a) of this section shall not apply—

"(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States; or

"(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program.

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment."

(b) Section 112 of such Act is repealed. On page 7, line 16, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

AMENDMENT NO. 1512

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. ABOUREZK. Mr. President, today I am introducing amendment to S. 3394, the foreign aid bill which provides that no military assistance shall be made available to any foreign government during any period in which that government does not allow such international organizations as the International Committee of the Red Cross, the International Commission of Jurists, Amnesty International, and the Inter-American Commission on Human Rights free access into their prisons for the sole purpose of conducting inspections with respect to alleged violations of human rights.

I join a growing number of Americans who are deeply concerned over the rampant violations of human rights and the need for a more effective response from the U.S. Government. Despite national differences, ideological variances, and numerous reasons, a large and ever-growing number of American citizens find a common cause in coming to the aid of the oppressed in countries throughout the world.

The sad but unfortunate fact is that gross and malicious violations of human rights continue to persist in almost every part of the world. Torture, mass imprisonment, summary executions, and discrimination, and other abhorrent violations continue to be used—sometimes quite overtly—in countries whose governments the United States consider to be among its closest friends.

While no one disputes the role of any government in guaranteeing to its citizens the most basic freedoms and rights accorded to every human being, it has become apparent in recent years that many governments not only neglect to guarantee these rights but actually deny them.

Contrary to what many now believe, government repression is not limited to one particular ideology. Governments from every part of the political spectrum have at one time in recent years been accused of violating the fundamental rights of its citizens.

While the protection of human rights remains essentially the responsibility of each government, it becomes the responsibility of the international community when violations occur at the hands of the government. It must be the responsibility of concerned governments and international organizations to help defend the human rights of all people throughout the world.

For this reason, the United Nations and its specialized agencies have developed an extensive body of international law pertaining to human rights. In the latest U.N. compilation of specific human rights instruments of the U.N. 13 declarations and 23 conventions are listed.

Unfortunately, the U.S. record on ratification of human rights treaties has been poor. The report on Human Rights in the World Community submitted to Congress by the

House Subcommittee on International Organizations and Movements earlier this year, the United States, through this failure to become a party to all but a few of the human rights treaties, has become increasingly isolated from the development of human rights law. There can be little question that this embarrassing failure has impaired both our participation in international cooperation in human rights as well as any bilateral efforts which this Government may have considered to persuade governments to respect international human rights standards.

One major cause for the embarrassing failure on the part of the United States in this regard is that the people in this country have not been made aware of the inhuman atrocities and the repressive and barbaric tactics which some governments in the world insist on using as their only means of staying in power.

They have not been told that people are thrown in prison in many countries simply because of their beliefs or their disagreement with their own government. They are not told that the most unbelievable forms of torture known to man are used daily by some government officials on their own citizens. Americans are unaware that thousands of innocent people are shot each year without so much as a hearing on the crimes which they are accused of committing. Most important of all, few U.S. taxpayers know that part of their hard earned wages are going, in taxes, to support these repressive measures—sometimes directly through the export of police and prison equipment and many times indirectly through direct payments to many of the most repressive regimes in the world today.

A large part of the problem lies directly within our own State Department. The Department as well as the entire Nixon administration chooses to pretend that that repression, torture, and the abridgement of human rights simply does not exist. A recent example of this is the response received by Senator KENNEDY from the State Department in reply to the recommendations contained in a study mission report submitted by his Senate Subcommittee on Refugees. In regard to political prisoners in South Vietnam, the Department stated:

The Department of State cannot agree with the Study Mission's assertion that "the record is clear that political prisoners exist in South Vietnam."

We would add that the extensive evidence available to us simply does not sustain the highly publicized charges that civilian prisoners are subjected to widespread, systematic mistreatment in the jails of the Republic of Vietnam.

Time and again, the administration continues to attempt to solve the problems of blatant and gross violations of human rights simply by denying that they exist. The State Department assertion that there are no political prisoners in South Vietnam denies not only the findings of the Refugee Subcommittee, but also the scores of reports by responsible humanitarian organizations whose documented evidence leaves absolutely no question that these violations exist.

In Chile, while people are arrested, tortured, and summarily killed for any reason or even no reason, our Government is asking \$85 million in bilateral aid for the next fiscal year. Unlike other Western countries, we have offered no asylum to Chilean refugees. And we have said nothing, officially, about the murder and savagery.

If the United States only spoke out against the torture, if our Embassy in Santiago was active in watching the trials and other visible manifestations of oppression, if Congress could, just once, attach conditions to aid, those who rule Chile, South Vietnam, and other repressive countries would listen.

But we in the Government of the United States show no official concern for human rights. We have nothing to say about the repression and slavery of the Ache Indians in Paraguay or about the documented brutalities which have occurred in some of Paraguay's neighboring countries. In Korea, in Indonesia, in the Philippines, in Uruguay, in Brazil, and in scores of other countries whose governments are our "friends," the Government of the United States sits idly by as while grave acts of torture and murder continue to be committed.

In a recent article in the New York Times, Anthony Lewis summed up American indifference best:

Some of the nastiest governments in the world today were born or grew with American aid. That being the case, the most modest view of our responsibility would require us to say a restraining word to them occasionally. But we say nothing, we hear nothing, we see nothing.

Citing the State Department response regarding the nonexistence of South Vietnamese political prisoners which I mentioned earlier, Lewis writes:

Thus thousands of non-communists in South Vietnamese jails were made to vanish, the twisted creatures in tiger cages waved away. Thus the idealism that once marked America's place in the world has become indifference in the face of inhumanity.

Mr. President, it is appalling that the concern for human rights is not even considered in our country's foreign policy. It has been pushed from a low priority to total invisibility behind the "more important considerations" of political, economic, and military decisionmaking. It has been totally neglected and all but dismissed as a factor in United States foreign policy.

While one would be foolish to suggest that the human rights factor should be the only consideration, or even the single, major factor in determining our foreign policy, there is little doubt that it ought to be accorded far greater import than what now exists. If the United States cannot play a role in setting some kind of example for other countries to follow, then surely we cannot expect some other country or international organization to do so either.

In this country, respect for human rights is a fundamental tradition set down in the Constitution. The citizens in this country have long cherished this tradition as one of the most fundamental of all and one which we must not lose. We have encouraged other countries and their governments to accept the principles of our Bill of Rights to the point

where we have even helped write their existing constitutions. The U.S. Government has had ample opportunity to impress upon these governments of the importance of guaranteeing human rights to all of their people—regardless of belief, race, or ideology.

Yet, the State Department has taken the position that questions involving human rights are domestic in nature and not relevant in determining bilateral relations. With almost weekly charges of serious violations of human rights somewhere in the world, the most the Department has done is to make private inquiries and low-keyed appeals to the government concerned.

While the State Department continues to rely on the "nonintervention" rationale in cases involving human rights, it is all but forgotten at other times. In the last 15 years alone, we have seen overt examples of U.S. intervention in the Dominican Republic, in Cuba, and in Southeast Asia, merely to name three. God only knows how many covert operations the United States has been involved in during this same time period.

In addition, the United States has not hesitated to criticize violations of human rights in the Soviet Union—especially in regard to the Solzhenitsyn affair. Even a vast number of Members in the Senate have attempted to threaten to curtail trade with the Soviet Union if its emigration policy for Jews is not modified. Current U.S. policy, however, has made it clear that Soviet violations of human rights will not deter efforts to promote détente with the Soviet Union.

I concur with those who argue that as the importance of ideology in international relations continues to lessen, the United States must begin to consider a certain government's adherence to objective human rights standards as one important criterion in determining our foreign policy. Certainly, protection of human rights is often a better measure of the performance of a government than is ideology.

In the last year, the Senate has had the opportunity on several occasions to emphasize the importance of human rights in the implementation of foreign policy. We have attempted to establish some criteria which could be considered in determining who should receive U.S. foreign aid and just what that aid should consist of.

On each occasion, however, the supporters of this effort have been accused of intervening in the domestic affairs of another country, of using faulty criteria in establishing foreign policy, and of jeopardizing U.S. international political and military positions by offering or supporting such legislation.

Mr. President, I join those who believe that arguments such as these are completely wrong and totally without merit. I believe that the only way in which basic human rights can be considered in the overall determination of foreign policy is for the Congress to demonstrate its concern. Members of Congress should not hesitate to speak out authoritatively in calling for action by the executive branch in defense of international standards of human rights when

they are violated. It simply has got to start here.

It is for this reason that I am now introducing this amendment to the fiscal 1975 foreign aid bill.

The sole purpose of this amendment is to insure that those people who are imprisoned in countries whose governments are receiving U.S. military aid are being accorded the most basic of human rights. If, in the opinion of any one of the four organizations the Government is insuring these rights to its citizens, then there would be no question as to their eligibility for receiving U.S. foreign aid. However, if on the other hand, the organization determines that the rights of its citizens are being violated, the country would not be eligible for U.S. military assistance until those rights are restored.

The international organizations are a vital contributor to the international protection of human rights. Their value arises from their independence from governments which enables them to view objectively human rights situations in various countries without regard to political considerations. These traits of objectivity and political independence make it possible for nongovernmental organizations to speak out against human rights violations when governments are silent. I am therefore convinced that with the assistance of such international organizations, the United States can go a long way in insuring that at least in those countries who receive U.S. military aid, the basic human rights of their citizens are allowed.

In recent years, the world has witnessed an alarming increase in the violations of human rights including the practice of torture. Amnesty International estimates that torture exists in at least 64 countries at last count—many of whose governments are considered friends of ours. Until this country speaks out in defense of these rights, until we use our massive influence with many of these countries to terminate their inhumane treatment of their own citizens, the violations will continue to occur and most likely increase.

This amendment is an attempt to use that influence. Members of the Senate will have the opportunity to put the Congress on record as opposing the repugnant treatment of millions of people by their own government. It is an opportunity to begin to put an end to the torture, the unjust imprisonment, and the mass murders of thousands of innocent people. I believe that it is not only an opportunity, but a responsibility.

Mr. President, I ask unanimous consent that the text of the amendment be inserted into the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 1512

On page 7, between lines 13 and 14, insert the following:

ACCESS OF INTERNATIONAL ORGANIZATIONS TO PRISON

Sec. 10. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

SEC. 1003. (a) of International Organizations to Prisons.—No funds made available to

carry out this or any other law shall be used to provide military assistance or security supporting assistance or to make military sales, credit sales, or guaranties, to or for any foreign government during any period in which that government does not allow the International Committee of the Red Cross, the International Commission of Jurists, Amnesty International, or the Inter-American Commission on Human Rights, free access into the prisons of that country for the sole purpose of conducting inspections with respect to alleged violations of human rights."

On page 7, line 16, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENT NO. 1513

(Ordered to be printed and to lie on the table.)

Mr. MAGNUSON (for himself and Mr. MANSFIELD) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14832) to provide for a temporary increase in the public debt limit.

Mr. MAGNUSON. Mr. President, I submit an amendment authored by the distinguished majority leader (Mr. MANSFIELD) and myself to set a certain date, December 31, 1974, by which time private citizens shall be permitted to own gold for investment purposes. Under our amendment, the President would have discretionary authority to remove the present restrictions on private ownership before December 31. However, and I want to emphasize this point, the amendment would permit private ownership as of December 31 even if the President did not act. It should be noted that our amendment is essentially the same as the gold ownership provision contained in H.R. 15645 which has just recently been reported by the House Banking Committee. Consequently, we are confident our amendment would be acceptable to the House.

Mr. President, this is a matter in which Senator MANSFIELD and I both have long been interested, and we feel strongly that the time has arrived for resolving this issue once and for all. Last year, of course, the Senate passed legislation (S. 929) that would have permitted private ownership of gold beginning on December 31, 1973. The House bill, however, did not permit private ownership until such time as "the President finds and reports to the Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States international monetary position." As Senators know, the House provision prevailed in conference.

Mr. President, we can see how it might be beneficial to allow the administration some flexibility in bringing the present restrictions on private ownership to an end. However, all of us in this body know from hard experience how matters of this sort have a habit of just dragging on and on without final resolution.

The amendment we are offering today addresses both of those concerns—the need on one hand for a temporary increase in the public debt limit, and for other purposes."

on the other hand of assuring that this matter will be brought to a final conclusion within a reasonably short period of time.

Mr. President, I urge adoption of the amendment.

AMENDMENT NO. 1514

(Ordered to be printed and to lie on the table.)

Mr. CHILES. Mr. President, I submit an amendment to H.R. 14832, which would prohibit the reduction of certain veterans' benefits as a result of increase in social security or railroad retirement benefits or certain other annuities.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1514

At the end of the bill add a new section as follows:

Sec. (a) Section 415(g) of title 38, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(4) Notwithstanding the provisions of paragraph (1) of this subsection, in determining the annual income of any person for any year there shall not be included in such income—

"(A) the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly payment of annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of an annuity under section 8340 of title 5, United States Code, if—

"(1) such increase results from provision of law enacted after December 30, 1973, providing increases in the monthly benefits payable to individuals entitled to benefits under such section 202 or 223 of the Social Security Act, such increase results from provisions of law enacted after such date providing increases in railroad retirement benefits, or such adjustment results from a cost-of-living adjustment in a civil service retirement annuity effective after December 30, 1973; and

"(2) for the month (or any portion thereof) in which the Act containing such provisions of law was enacted or for which such adjustment was effective, such person was entitled to (I) a monthly insurance benefit under section 202 or 223 of the Social Security Act, monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, or an annuity under subchapter III of chapter 83 of title 5, United States Code, (or other comparable provision of law), as the case may be, and (II) dependency and indemnity compensation under the provisions of this chapter; and

"(B) the amount of any lump-sum payment paid to such person during such year if—

"(1) such payment is attributable to an increase in (I) the monthly insurance benefits to which such person is entitled under section 202 or 223 of the Social Security Act, or (II) the amount of the monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(2) such increase results from the enactment, after December 30, 1973, of any provision of law increasing (I) the monthly benefits payable to individuals entitled to benefits under section 202 or 223 of the Social

Security Act, or (II) the monthly payments of annuity or pension payable to individuals under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(3) such lump-sum payment is paid separately from the rest of any monthly insurance benefit of such person under section 202 or 223 of the Social Security Act or of any monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1937."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, in determining the annual income of any person for any year for purposes of this chapter or the first sentence of section 9(b) of the Veterans' Pension Act of 1959 or any prior law, there shall not be included in such income—

"(1) the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of an annuity under section 8340 of title 5, United States Code, if—

"(A) such increase results from provisions of law enacted after December 30, 1973, providing increases in the monthly benefits payable to individuals entitled to benefits under such section 202 or 223 of the Social Security Act, such increase results from provisions of law enacted after such date providing increases in railroad retirement benefits, or such adjustment results from a cost-of-living adjustment in a civil service retirement annuity effective after December 30, 1973, and

"(B) for the month (or any portion thereof) in which the Act containing such provisions of law was enacted or for which such adjustment was effective, such person was entitled to (1) a monthly insurance benefit under section 202 or 223 of the Social Security Act, a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, or an annuity under subchapter III of chapter 83 of title 5, United States Code (or other comparable provision of law), as the case may be, and (2) pension under the provisions of this chapter or the first sentence of section 9(b) of the Veterans' Pension Act of 1959 or any prior law.

"(2) the amount of any lump-sum payment paid to such person during such year if—

"(A) such payment is attributable to an increase in (1) the monthly insurance benefits to which such person is entitled under section 202 or 223 of the Social Security Act, or (2) the amount of the monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(B) such increase results from the enactment, after December 30, 1973, of any provision of law increasing (1) the monthly benefits payable to individuals entitled to benefits under section 202 or 223 of the Social Security Act, or (2) the monthly payments of annuity or pension payable to individuals under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(C) such lump-sum payment is paid separately from the rest of any monthly insurance benefit of such person under section 202 or 223 of the Social Security Act or of any monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937."

Amend the title so as to read: "An Act to provide for a temporary increase in the public debt limit, and for other purposes."

93^d CONGRESS
2^d SESSION

S. 3394

IN THE SENATE OF THE UNITED STATES

APRIL 29, 1974

Mr. SPARKMAN (by request) introduced the following bill; which was read twice
and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Assistance Act
4 of 1974".

TITLE I

MIDDLE EAST PEACE

5
6
7 SEC. 2. The Foreign Assistance Act of 1961 is amended
8 by adding at the end thereof the following new part:

II

1 "PART VI

2 "SEC. 901. STATEMENT OF POLICY.—The Congress
3 recognizes that a peaceful and lasting resolution of the di-
4 visive issues that have contributed to tension and conflict
5 between nations in the Middle East is essential to the se-
6 curity of the United States and the cause of world peace.
7 The Congress declares and finds that the United States can
8 and should play a constructive role in securing a just and
9 durable peace in the Middle East by facilitating increased
10 understanding between the Arab nations and Israel, and by
11 assisting the nations in the area in their efforts to achieve
12 economic progress and political stability, which are the es-
13 sential foundations for a just and durable peace. It is the
14 sense of Congress that United States assistance programs in
15 the Middle East should be designed to promote mutual re-
16 spect and security among the nations in the area and to fos-
17 ter a climate conducive to increased economic development,
18 thereby contributing to a community of free, secure, and
19 prospering nations in the Middle East.

20 "SEC. 902. GENERAL AUTHORITY.—The President is au-
21 thorized to furnish, on such terms and conditions as he may
22 determine, assistance authorized by this Act and credits and
23 guaranties authorized by the Foreign Military Sales Act in
24 order to carry out the purposes of this part.

25 "SEC. 903. ALLOCATIONS.—(a) Of the funds appropri-

1 ated to carry out chapter 2 of part II of this Act, during the
2 fiscal year 1975 up to \$100,000,000 may be made available
3 for military assistance in the Middle East.

4 “(b) Of the funds appropriated to carry out chapter 4
5 of part II of this Act, during the fiscal year 1975 up to
6 \$377,500,000 may be made available for security support-
7 ing assistance in the Middle East.

8 “(c) Of the aggregate ceiling on credits and guaranties
9 established by section 31 (b) of the Foreign Military Sales
10 Act, during the fiscal year 1975 up to \$330,000,000 shall
11 be available for countries in the Middle East.

12 “SEC. 904. (a) SPECIAL REQUIREMENTS FUND.—
13 There are authorized to be appropriated to the President for
14 the fiscal year 1975 not to exceed \$100,000,000 to meet
15 special requirements arising from time to time in carrying out
16 the purposes of this part, in addition to funds otherwise avail-
17 able for such purposes. The funds authorized to be appropri-
18 ated by this section shall be available for use by the Presi-
19 dent for assistance authorized by this Act in accordance with
20 the provisions applicable to the furnishing of such assistance.
21 Such funds are authorized to remain available until expended.

22 “(b) The President shall keep the Committee on For-
23 eign Relations and the Committee on Appropriations of the
24 Senate and the Speaker of the House of Representatives cur-

1 rently informed on the programing and obligation of funds
2 under subsection (a).”

3 SEC. 3. Section 620 (p) of the Foreign Assistance Act
4 of 1961 is repealed.

5 TITLE II

6 INDOCHINA POSTWAR RECONSTRUCTION

7 SEC. 4. Section 802 of the Foreign Assistance Act of
8 1961 is amended to read as follows:

9 “SEC. 802. AUTHORIZATION.—There are authorized to
10 be appropriated to the President to furnish assistance for
11 relief and reconstruction of South Vietnam, Cambodia, and
12 Laos as authorized by this part, in addition to funds other-
13 wise available for such purposes, for the fiscal year 1974 not
14 to exceed \$504,000,000, and for the fiscal year 1975 not to
15 exceed \$939,800,000 which amounts are authorized to re-
16 main available until expended.”

17 TITLE III

18 FOREIGN ASSISTANCE ACT AMENDMENTS

19 DEVELOPMENT ASSISTANCE AUTHORIZATIONS

20 SEC. 5. Section 103 of the Foreign Assistance Act of
21 1961 is amended by striking out the words “\$291,000,000
22 for each of the fiscal years 1974 and 1975” and inserting in
23 lieu thereof “\$291,000,000 for the fiscal year 1974, and
24 \$546,300,000 for the fiscal year 1975”.

1 HOUSING GUARANTIES

2 SEC. 6. Section 223 (i) of the Foreign Assistance Act
3 of 1961 is amended by striking out "June 30, 1975" and
4 inserting in lieu thereof "June 30, 1976".

5 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

6 SEC. 7. Section 302 (a) of the Foreign Assistance Act of
7 1961 is amended by striking out the words "for the fiscal
8 year 1975, \$150,000,000" and inserting in lieu thereof "for
9 the fiscal year 1975, \$153,900,000".

10 MILITARY ASSISTANCE

11 SEC. 8. (a) Chapter 2 of part II of the Foreign As-
12 sistance Act of 1961 is amended as follows:

13 (1) In section 504 (a), strike out "\$512,500,000
14 for the fiscal year 1974" and insert in lieu thereof
15 "\$985,000,000 for the fiscal year 1975."

16 (2) In section 506 (a) —

17 (A) Strike out "the fiscal year 1974" in each
18 place it appears and insert in lieu thereof "the fiscal
19 year 1975"; and

20 (B) At the end of subsection (a) add the
21 following sentence: "Orders not exceeding \$250,-
22 000,000 in value may be issued under this sub-
23 section, upon such determination, during the period
24 of any succeeding fiscal year that precedes the

1 enactment of legislation authorizing appropriations
2 for military assistance for that fiscal year.”.

3 (3) After section 506, add the following new
4 section:

5 SEC. 507. LIMITATION ON THE GRANT OF EXCESS
6 DEFENSE ARTICLES.—

7 “(a) Except as provided in section 506, the aggregate
8 value of excess defense articles ordered during the fiscal
9 year 1975 under this chapter for foreign countries and inter-
10 national organizations shall not exceed \$150,000,000.

11 “(b) The Secretary of State shall promptly and fully
12 inform the Speaker of the House of Representatives and the
13 Committee on Foreign Relations and the Committee on
14 Appropriations of the Senate of each decision to furnish on a
15 grant basis to any country excess defense articles which are
16 major weapons systems to the extent such major weapons
17 system was not included in the presentation material pre-
18 viously submitted to the Congress. Additionally, the Secre-
19 tary of State shall also submit a quarterly report to the Con-
20 gress listing by country the total value of all deliveries of
21 excess defense articles, disclosing both the aggregate original
22 acquisition cost and the aggregate value at the time of de-
23 livery.”

24 (b) Section 655 (c) of the Foreign Assistance Act of

1 1961 shall not apply to assistance authorized under any pro-
2 vision of law for the fiscal year 1975.

3 (c) Section 8 of the Act entitled "An Act to amend the
4 Foreign Military Sales Act, and for other purposes", ap-
5 proved January 12, 1971 (84 Stat. 2053), as amended,
6 is repealed, effective July 1, 1974.

7 **SECURITY SUPPORTING ASSISTANCE**

8 **SEC. 9.** Section 532 of the Foreign Assistance Act of
9 1961 is amended by striking out "for the fiscal year
10 1974 not to exceed \$125,000,000, of which not less than
11 \$50,000,000 shall be available solely for Israel" and insert-
12 ing in lieu thereof "for the fiscal year 1975 not to exceed
13 \$385,500,000".

14 **TITLE IV**

15 **FOREIGN MILITARY SALES ACT AMENDMENTS**

16 **SEC. 10. (a)** The Foreign Military Sales Act is amended
17 as follows:

18 (1) Section 3 (d) is amended to read as follows:

19 "(d) A country shall remain ineligible in accordance
20 with subsection (c) of this section until such time as the
21 President determines that such violation has ceased, that the
22 country concerned has given assurances satisfactory to the
23 President that such violation will not recur, and that, if such
24 violation involved the transfer of sophisticated weapons with-

1 out the consent of the President, such weapons have been
2 returned to the country concerned."

3 (2) In section 24 (a) and section 24 (b) the paren-
4 thetical phrase in each is amended to read: "(excluding
5 United States Government agencies other than the Fed-
6 eral Financing Bank)".

7 (3) Section 24 (c) is amended to read as follows:

8 "(c) Funds made available to carry out this Act shall
9 be obligated in an amount equal to 25 per centum of the
10 principal amount of contractual liability related to any guar-
11 anty issued prior to July 1, 1974, under this section. Funds
12 made available to carry out this Act shall be obligated in an
13 amount equal to 10 per centum of the principal amount of
14 contractual liability related to any guaranty issued after
15 June 30, 1974, under this section. All the funds so obligated
16 shall constitute a single reserve for the payment of claims
17 under such guaranties, and only such of the funds in the
18 reserve as may be in excess from time to time of the total
19 principal amount of contractual liability related to all out-
20 standing guaranties under this section shall be decobligated
21 and transferred to the general fund of the Treasury. Any
22 guaranties issued hereunder shall be backed by the full faith
23 and credit of the United States."

24 (4) In section 31—

25 (A) Subsection (a) is amended by striking

1 out "\$325,000,000 for fiscal year 1974" and in-
2 serting in lieu thereof "\$555,000,000 for the fiscal
3 year 1975"; and

4 (B) Subsection (b) is amended by striking out
5 "\$73,000,000 for the fiscal year 1974, of which
6 amount not less than \$300,000,000 shall be avail-
7 able to Israel only" and inserting in lieu thereof
8 "\$872,500,000 for the fiscal year 1975."

9 (5) In section 33—

10 (A) subsection (a) is repealed;

11 (B) subsection (b) is redesignated as subsec-
12 tion (a); and

13 (C) a new subsection (b) is added as follows:

14 “(b) The President may waive the limitations of this
15 section when he determines it to be important to the security
16 of the United States and promptly so reports to the Speaker
17 of the House of Representatives and the Committee on For-
18 eign Relations of the Senate.”

19 (b) Obligations initially charged against appropriations
20 made available for purposes authorized by section 31 (a) of
21 the Foreign Military Sales Act after June 30, 1974, and
22 prior to the enactment of the amendment of that Act by
23 paragraph (3) of subsection (a) of this section in an amount
24 equal to 25 per centum of the principal amount of contrac-
25 tual liability related to guaranties issued pursuant to section

1 24 (a) of that Act shall be adjusted to reflect such amend-
2 ment with proper credit to the appropriations made available
3 in the fiscal year 1975 to carry out that Act.

98th CONGRESS
2^d SESSION

S. 3394

A BILL

To amend the Foreign Assistance Act of 1961,
and for other purposes.

By Mr. SPARKMAN

APRIL 29, 1974

Read twice and referred to the Committee on
Foreign Relations

June 21, 1974

Approved For Release 2005/07/20 : CIA-RDP79-00957A000100040079-0 S 11199

STATEMENT BY SENATOR BROCK

I am delighted to join the Senator from Wisconsin (Mr. PROXMIRE) in sponsoring legislation to amend the Truth-in-Lending Act to substitute a qui tam remedy for class actions.

When the Subcommittee on Consumer Credit was working on Truth-in-Lending Act Amendments we found that the Federal courts had experienced problems in certifying class action suits for the enforcement of that Act. Section 130 of the Truth-in-Lending Act permits consumers to bring civil actions in the Federal courts against any creditor who fails to disclose the information required by the Act. A problem has arisen in applying the minimum liability provisions of the Act in class action suits involving millions of consumers. As a result, the present civil remedy serves neither the consumers intended to be aided by the Truth-in-Lending Act nor the creditors intended to be subject to its controls. In addition, the ruling of the Supreme Court in the *Eisen* case requiring persons initiating class action suits to notify at their expense all other persons in the class, will make it next to impossible for consumers to utilize the class action remedy.

As a solution to the problem a number of scholars have suggested that the class action device be statutorily limited to the recovery of actual damages and that a new technique—the qui tam action—be utilized to encourage the private attorney general to prominently participate in the enforcement of truth-in-lending.

In an effort to fashion a legislative approach which will improve the effectiveness of the Truth-in-Lending Act, I join with Senator Proxmire in offering this amendment to the Truth-in-Lending Act. This will give the public an opportunity to comment on the provisions in this legislation, on which I retain an open mind.

S. 3690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 130(a) of the Truth in Lending Act (15 U.S.C. Sec. 1640) is amended to read as follows:

"(a)(1) Except as otherwise provided in this section, any creditor who, with respect to any person, fails to comply with any requirement imposed under this title (other than Chapter 3) is liable to such person for an amount equal to the greater of (1) twice the finance charges imposed but not less than \$100 nor more than \$1,000, or (2) the actual damages sustained by that person; *Provided, however,* That in the case of a violation involving conduct which was part of a creditor's course of conduct with respect to which a judgment has been entered against that creditor pursuant to Paragraph (3), the creditor is liable under this proviso for any actual damages sustained by a person bringing an action under this Paragraph.

"(2)(A) Except as otherwise provided in this section, any obligor, whether or not actually damaged, may bring a civil action in any United States district court pursuant to Title 28, U.S.C. Sec. 2201 for a declaration that a creditor of such obligor has engaged in a course of conduct in violation of the requirements imposed by chapter 2 of this title (provided that at least one such violation occurred within one year before the initiation of the action), for injunctive relief and for the relief provided by Paragraph (3).

"(B) Except as otherwise provided in this section, any bona fide consumer protection organization, whether or not actually damaged, may bring a civil action in any United States district court pursuant to Title 28, U.S.C. 2201 for a declaration that a creditor has engaged in a course of conduct in violation of the requirements imposed by chapter

2 of this title (provided that at least one such violation occurred within one year before the initiation of the action and regardless of whether such organization is an obligor of such creditor), for injunctive relief and for the relief provided by Paragraph 3. In the case of actions brought under this subparagraph, the court shall determine, as soon as practicable, whether the plaintiff is a bona fide consumer protection organization. In making this determination, the court shall consider, among other factors, the length of time the organization has been in active existence, the nature and level of its activities, the size of its membership, and its experience in consumer protection litigation. An organization established solely or primarily for the purpose of bringing the particular action in which the determination is being made is not a bona fide consumer protection organization.

"(C) The person bringing an action under this paragraph shall allege all such courses of conduct by the creditor that are claimed to be in violation and known to the person. Such action shall be brought in the name of and for the United States as well as for the private plaintiff. The person bringing the action shall immediately give notice of the pendency thereof to the United States by sending to the Board and to the Attorney General of the United States by certified mail a copy of the complaint together with a summary statement in writing outlining the evidence and information in the possession of the plaintiff material to the effective prosecution of the action. A copy of the notice, with proof of mailing, shall be filed with the court. If within sixty days after notice, the United States fails to file with the Court a formal notice of its intervention as a co-plaintiff, or if it earlier declines in writing to the court to enter such action, the action may be carried on by the person bringing it, provided that the court finds, on motion made by such person within 60 days after the expiration of such period or the declination of the United States, that such person can and will adequately prosecute the action.

"(3) In the event that more than one civil action shall be instituted pursuant to Paragraph (2) involving the same course of conduct, the court shall determine in which case the plaintiff will best, most effectively represent the position or positions adverse to the defendant, and shall stay further proceedings in the other actions until that case has been adjudicated; between two plaintiffs who represent those positions equally well, the one who filed first shall be preferred. If a person bringing such action, or the United States, prevails in the action, the court may enjoin the course of conduct, and shall impose a civil penalty on the creditor within the limitations specified in Paragraph (4), of which amount not less than \$5000 nor more than \$10,000 shall be awarded to the person who prevailed and the balance shall be awarded to the United States. No such civil penalty shall be awarded in any other action with respect to the same course of conduct of the creditor occurring prior to the time at which the judgment imposing the penalty or enjoining such conduct becomes final.

"(4) A creditor shall be liable under paragraph (3) for not less than \$15,000 nor more than \$200,000. In determining the amount of this civil penalty, the court shall consider the resources of the creditor, the number of persons adversely affected by the course of conduct, and any affirmative action taken by the creditor, prior to the filing of the suit, to achieve compliance with chapter 2. The court may permit the defendant to pay the United States share of the judgment in installments.

"(5) In any successful action brought under paragraph (1) or (2), the court shall

award to the person who prevailed in the action costs and a reasonable attorney's fee. In determining the amount of a reasonable attorney's fee, the court shall consider, among other relevant factors,

(A) the time required to prosecute the action;

(B) the novelty and difficulty of the issues involved and the skill required to prosecute the cause;

(C) the contingency or certainty of success; and,

(D) the amount of counsel fees that the defendant incurred in connection with its defense of the action.

The fact that a plaintiff is represented by an attorney retained or employed by a non-profit organization, shall not preclude an award of attorney's fees under this subsection.

"(6) The remedies provided by this subsection may not be enforced in a class action.

SEC. 2. The amendments to section 130(a) of the Truth in Lending Act made by this Act shall apply to actions initiated after the date of enactment of this Act and to any action pending on such date if such action is so amended with the consent of all parties. All other actions pending on the date of enactment of this Act shall be subject to the provisions of section 130(a) in effect prior to the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2801

At the request of Mr. PROXMIRE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2801, to prevent the Food and Drug Administration from regulating safe vitamins as dangerous drugs.

S. 3679

At the request of Senator McGOVERN, the Senator from Georgia (Mr. TALMADGE), the Senator from Alabama (Mr. ALLEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. CLARK), the Senator from Texas (Mr. BENTSEN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Vermont (Mr. AIKEN), the Senator from North Dakota (Mr. YOUNG), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. ROLE), the Senator from Oklahoma (Mr. BELMONT), the Senator from Colorado (Mr. HASKELL), and the Senator from South Dakota (Mr. ABRAHAM) were added as cosponsors of S. 3679, a bill to provide emergency financing for livestock producers.

SENATE RESOLUTION 345—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

(Referred to the Committee on Rules and Administration.)

Mr. FULBRIGHT, from the Committee on Foreign Relations reported the following resolution:

S. RES. 345

Resolved, That Senate Resolution 241, 93d Congress, agreed to March 1, 1974, be amended as follows:

(a) In section 2, strike out the amount \$708,800" and insert in lieu thereof "\$851,000".

AMENDMENT OF THE FOREIGN ASSISTANCE ACT--AMENDMENTS

AMENDMENT NO. 1511

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. ABOUREZK submitted an amendment intended to be proposed by him to the bill (S. 3394) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ABOUREZK. Mr. President, the now familiar panacea for domestic ills, law and order, has long been used to describe American objectives in the troubled areas of Africa, Asia, and Latin America. While the Federal Government did not start aiding local U.S. police agencies until 1968, we have been supplying the police of selected underdeveloped nations with equipment, arms, and training since 1954. U.S. funds have been used to construct the National Police Academy of Brazil, to renovate and expand the South Vietnamese prison system, and to install a national police communications network in Colombia. The Agency for International Development estimates that over 1 million foreign policemen have received some training or supplies through the U.S. public safety program—a figure which includes 100,000 Brazilian police and the entire 120,000-man National Police Force in South Vietnam.

U.S. foreign aid programs in the underdeveloped third world call for a modest acceleration of economic growth, to be achieved wherever possible through the normal profitmaking activities of U.S. corporations and lending institutions. It is obvious, however, that an atmosphere of insecurity and rebelliousness does not provide an attractive climate for investment. In the rapidly urbanizing nations of the third world, civil disorders have become a common phenomenon as landless peasants stream to the cities in search of economic and cultural opportunities.

Since most of these countries cannot satisfy the aspirations of these new city-dwellers under present economic and social systems built up tensions are increasingly giving way to attacks on the status quo. After his 1969 tour of Latin America, Nelson Rockefeller noted in his report to the President that while Latin armies:

Have gradually improved their capabilities for dealing with Castro-type agrarian guerrillas, it appeared that radical revolutionary elements in the hemisphere are increasingly turning toward urban terrorism in their attempts to bring down the existing order.

This prediction has already been borne out in Brazil and Uruguay, where urban guerrillas have in the past staged spectacular bank robberies and kidnappings.

Since the late 1950's a paramount concern of American policymakers has been the preservation of social stability in countries deemed favorable to U.S. trade and investment. U.S. military planning has been shaped by the need to provide, on a moment's notice counterinsurgency forces that can be flown in to the aid of friendly regimes threatened by popular insurrection. The military assistance program has been used to upgrade the capabilities of indigenous forces to over-

come the rural guerrilla forces. Finally, on the premise that the police constitute the first line of defense against subversion, the Agency for International Development has funneled American funds and supplies into the hands of third world police forces.

During hearings on the foreign assistance appropriations for 1965, AID Administrator David Bell described the rationale behind U.S. police assistance programs as follows:

Maintenance of law and order including internal security is one of the fundamental responsibilities of government.

Successful discharge of this responsibility is imperative if a nation is to establish and maintain the environment of stability and security so essential to economic, social, and political progress.

Plainly, the United States has very great interests in the creation and maintenance of an atmosphere of law and order under humane, civil concepts and control. When there is a need, technical assistance to the police of developing nations to meet their responsibilities promotes and protects these U.S. interests.

The public safety program is not large in comparison to the military aid program—but its supporters can muster some impressive arguments in its favor. It is argued, for instance, that the police—being interspersed among the population—are more effective than the military in controlling low-scale insurgency. Supporters of the police assistance program also point out that police forces are cheaper to maintain than military forces, since they do not require expensive "hardware" like planes, tanks, and artillery.

These arguments, advanced by men like Col. Edward Lansdale, formerly of the CIA, received their most favorable response from President John F. Kennedy and his brother Robert, then the Attorney General, in the early 1960's. Presidential backing was responsible for a substantial expansion of the public safety program in 1962, and for the centralization of all U.S. police assistance activities in AID's Office of Public Safety. The State Department memorandum establishing OPS is noteworthy for its strong language—the memo, issued in November 1962, declared that AID—

Vests the Office of Public Safety with the primary responsibility and authority for public safety programs and gives that Office a series of powers and responsibilities which will enable it to act rapidly, vigorously, and effectively . . . powers greater than any other technical office or division of AID.

The two Kennedys also gave enthusiastic support to the creation of an Inter-American Police Academy in the Panama Canal Zone. Later, in order to open the Academy to police officers from other countries, it was moved to Washington, D.C., and reorganized as the International Police Academy.

The Office of Public Safety is empowered to assist Third World police organizations in three ways: First, by sending "public safety advisers" who provide "in-country" training for rank and file policemen only at the expense of the host country; second, by providing training at the International Police Academy and other U.S. schools for senior police officers and technicians; and, third, by ship-

ping weapons, ammunition, radios, patrol cars, jeeps, chemical munitions, and related equipment.

Last year, after the passage of an amendment to the Foreign Assistance Act of 1974, I directed a letter to USAID requesting information on what the OPS program would encompass in the next 2 years, taking in consideration the new congressional limitations imposed on OPS.

Mr. Matthew Harvey, AID Assistant Administrator for Legislative Affairs, responded only in part to the question by choosing to omit the OPS plans for the continued export of police and paramilitary weaponry. Harvey states:

During the next two years, the Office of Public Safety projected assistance to a number of countries. Currently Public Safety programs are being implemented in 18 countries.

Commitments include Public Safety advisory assistance mainly in the field of administration and management—training both in-country and at the International Police Academy in Washington, D.C.—commodity assistance which includes items such as vehicles, communications, police type weapons and training aids.

The International Police Academy is scheduled to provide training for police officers from nations of the free world. Of high priority is training of foreign police officers who are responsible for the maintenance of law enforcement resources which are committed to the international narcotics control efforts. The Public Safety program also includes a training program for the Africa region which will enable police officers from 21 countries to receive U.S. training.

The Office of Public Safety is also scheduled to provide TDY technical assistance to countries in the development of the police institution. The Office of Public Safety has been tasked to provide technical assistance in developing narcotic control programs which include such specialized fields as criminalistics, records and communications.

b. As you are probably aware the Senate/House conferees have reported out the foreign aid bill which under Section 112 requires the ending of all Public Safety overseas programs. If signed into law in this form, the Bill would not affect the activities of the International Police Academy in Washington. The Academy would continue to train police officers in modern police management and techniques as at present.

Using Latin America to measure the scope of these activities, we find that over 110 public safety advisors have been stationed in 15 countries until now, and that some 2,000 Latin police officers have received training at the International Police Academy. In addition, over \$42 million has been given to these countries in OPS supporting assistance programs in the last 3 years alone. Until 1972, the leading beneficiary of the public safety program in Latin America was Brazil, which received almost \$8 million in OPS funds by the middle of 1972. Since then, the largest recipients of OPS aid have been Colombia and Guatemala.

In providing this kind of assistance, OPS notes that:

Most countries possess a unified civil security service which "in addition to regular police include para military units within civil police organizations and paramilitary forces such as gendarmeries, constabularies, and civil guards which perform police functions and have as their primary mission maintaining internal security.

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The AID program is designed to encompass all of these functions. According to OPS:

Individual Public Safety programs, while varying from country to country, are focused in general on developing within the civil security forces a balance of (1) a capability for regular police operations, with (2) an investigative capability for detecting and identifying criminal and/or subversive individuals and organizations and neutralizing their activities, and with (3) a capability for controlling militant activities ranging from demonstrations, disorders, or riots through small-scale guerrilla operations.

As noted in the 1962 State Department memo, OPS possesses unique powers not granted to other AID bureaus. These powers enable OPS to "act rapidly, vigorously and effectively" in aiding Latin regimes threatened by popular uprisings. When a crisis develops in a Latin capital, OPS officials often stay up "night after night" in their Washington, D.C., office to insure that needed supplies—including radios and tear gas—reach the beleaguered police of the friendly regime.

AID officials insist that public safety assistance is "not given to support dictatorships." But there are apparently exceptions to this rule: Administrator Bell told a Senate Committee in 1965 that:

It is obviously not our purpose or intent to assist a head of state who is repressive. On the other hand, we are working in a lot of countries where the governments are controlled by people who have shortcomings.

Not wanting to embarrass AID or any of the people we support who have "shortcomings" Bell did not mention names.

It is entirely possible that one country Bell was referring to is Brazil—a country which until 1972 enjoyed a substantial OPS contribution despite well-documented reports that political prisoners are regularly being tortured by the police. In justifying continued OPS aid to such regimes, Bell explained that:

The police are a strongly anti-Communist force right now. For that reason it is a very important force to us.

It is no surprise that these men should consider a small amount of allegedly Communist-led terrorism to be sufficient reason to subsidize the repressive apparatus of a totalitarian regime.

THE "PUBLIC SAFETY PROGRAM" IN SOUTH VIETNAM

According to a letter I received from the State Department dated February 5, 1974, Assistant Administrator Harvey stated that after June 14, 1974, there will be no South Vietnamese police officers admitted to training courses of whatever nature at the International Police Academy.

In another letter, dated January 28, the Department states that:

No U.S. personnel, either civilian or military, are advising the Vietnamese National Police under any contracts with the Department of Defense or other government agency. Such action would be in violation of the Ceasefire Agreement of January 27, 1973 which has been strictly complied with.

Yet, in an article dated February 16, David K. Shieler, a New York Times correspondent stated that he has found a

great deal of evidence to the contrary. Shieler writes:

Although the Paris agreements explicitly rule out advisers to the police force, the South Vietnamese National Police continue to receive regular advice from Americans.

In a recent conversation with this correspondent, two high-ranking officers said they and their staffs met frequently with the Saigon station chief of the C.I.A. and his staff. Sometimes, they said, the C.I.A. chief asks the police to gather intelligence for him, and often they meet to help each other analyze the data collected.

A police official confirmed that in some provinces "American 'bailson men' who work with the police remain on the job." "There are still some, but not so many," he said.

EPISODE IN POLICE STATION

Local policemen still refer to "American police advisers," according to James M. Markham, Saigon bureau chief of The New York Times, who was detained by the police late in January after a visit to a Vietcong-held area.

Mr. Markham said that in both Qui Nhon, where he was held overnight, and Phan Thiet, where he was detained briefly while being transferred to Saigon, policemen, talking among themselves, referred to the "police adviser." In Phan Thiet, he reported, a policeman was overheard saying, "Let's get the American police adviser over here."

In the last six weeks The New York Times has made repeated attempts to interview officials in the United States Agency for International Development who are responsible for American aid to the police. Although the officials appeared ready to discuss the subject, they were ordered by the United States Ambassador, Graham A. Martin, to say nothing.

Contrary to assurances from the State Department, it is doubtful that police assistance to South Vietnam has been terminated. One is compelled to ask, therefore, just what the Congress and the American people have to do to stop the incessant funding of the South Vietnamese police forces. What does it take to tell AID, OPS and others in the administration, no. We have passed a law specifically prohibiting U.S. police assistance or training to South Vietnam and yet, the programs continue to go on, apparently almost unabated.

In 1971, Michael Elare wrote an excellent report on the public safety program in South Vietnam. While the report may not be a description of the public safety program as it exists today in South Vietnam, it does represent the most accurate history and description of the program as it existed until recently. It indicates, I believe, the real focus and intent of the public safety program even as it exists today.

Mr. President, I ask unanimous consent that the report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT

The Public Safety program in South Vietnam is the largest and one of the oldest U.S. police assistance programs—half of AID's Public Safety Advisors and more than half of OPS's annual budget are committed to Vietnam operations. The Vietnam program began in 1955, when Michigan State University received a contract from the International Cooperation Administration (AID's

predecessor agency) to assemble a team of police experts to advise the government of Ngo Dinh Diem. Ultimately 33 advisors served in the Police Division of the now famous Michigan State University Group (MSUG); of this group, at least a few are known to have been CIA agents. The police division supervised the reorganization of Vietnam's decrepit police system, provided training in a variety of police skills, provided small arms and ammunition, and helped establish a modern records system for filing data on political suspects.

The MSUG effort was superseded in 1959 by a Public Safety Division (PSD) under direct U.S. management. In keeping with President Kennedy's call for increased counterinsurgency initiatives, the program was vastly expanded in 1962. Beginning with a staff of six in 1959, the PSD mission in Vietnam increased to 47 in 1963, and to 204 by mid-1968. Total support of the PSD program had reached \$95,417,000 by the end of fiscal year 1968, and has continued at the rate of about \$20 million a year; (some of these funds are supplied by the Department of Defense rather than by AID).

From the very start of the Vietnam conflict, the National Police (NP) of South Vietnam has been regarded by our government as a paramilitary force with certain responsibilities related to the overall counterinsurgency effort. In the Foreword to a manual on *The Police and Resources Control in Counter-Insurgency* (Saigon, 1964), Chief Frank E. Walton wrote that "the methods included in this text are emergency procedures not utilized in a normal peace-time situation. They are stringent, war-time measures designed to assist in defeating the enemy..." In order to upgrade Vietnamese police capabilities to carry out its wartime responsibilities, PSD supervised the consolidation of all regional, provincial and specialized police agencies under the directorate of National Police in 1962, and subsequently prepared a "National Police Plan" for Vietnam in 1964. Under the plan, the NP's personnel strength grew from 19,000 men in 1963 to 52,000 by the end of 1965, 70,000 in 1967, and 85,000 by the end of 1969. To keep pace with this rapid growth, the plan provided for a vast increase in U.S. technical assistance, training and commodity support. Public Safety Division aid and management have become so extensive, that the National Police might more properly be considered a U.S. mercenary force than an indigenous institution.

SPECIFIC FUNCTIONS

The specific counterinsurgency functions performed by the police—resources control, identification, surveillance and pacification—are spelled out in an OPS brochure on *The Role of the Public Safety in Support of the National Police of Vietnam* (Washington, D.C., 1969), and in AID's *Program and Project Data Presentations to the Congress for Fiscal Year 1971*.

Resources Control is defined by Public Safety Advisor E. H. Adkins Jr. as "an effort to regulate the movement of selected resources, both human and material, in order to restrict the enemy's support or deprive him of it altogether..." In order to prevent the flow of supplies and people to and from villages loyal to the National Liberation Front (NLF), 7,700 members of the National Police currently man some 650 checkpoints at key locations on roadways and waterways, and operate mobile checkpoints on remote roads and trails. By 1968, more than 468,456 persons had been arrested in this program, of whom 28,000 were reported as "VC suspects." AID reported that "Resources control efforts in 1969 resulted in nearly 100,000 arrests including more than 10,000 known or suspected Vietcong. Confiscations included 50,000 units of medicine/drugs and 6,000 tons of contraband foodstuffs."

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The *National Identity Registration Program* is described by OPS as "an integral part of the population and resources control program." Under a 1957 law, amended in 1967, every Vietnamese 15 years and older is required to register with the Saigon government and carry identification cards; anyone caught without the proper ID cards is considered a "VC suspect" and subject to imprisonment or worse. At the time of registration, a full set of fingerprints is obtained from each applicant, and information on his or her political beliefs is recorded. By 1971, 12,000,000 persons are to have been reached by this identification/registration program. "Once completed," AID explains, "the identification system will provide for a national repository of fingerprints and photographs and biological data. It will be one of the most complete national identification systems in the world, and one of the most badly needed."

Surveillance of persons and organizations suspected of harboring anti-government sentiments is the responsibility of the NP's Special Police Branch (SP). The Special Branch is nothing more or less than Vietnam's secret police; originally the Indo-Chinese branch of the French Surete, the SP was known as the Vietnamese Bureau of Investigation during the Diem regime. According to the 1962 decree establishing the National Police, the SP was given the responsibilities of: "Gathering information on political activities," and "carrying out undercover operations throughout the country, searching for, investigating, keeping track of, and prosecuting elements indulged in subversive activities." OPS documents state that "SP agents penetrate subversive organizations," and "use intelligence collection, political data [and] dossiers compiled from census data . . . to separate the bad guys from the good." AID has nothing to say about the criteria used to separate the "bad guys" from the "good guys"; anyone familiar with the Vietnamese scene knows, however, that the SP's major responsibility is surveillance of non-Communist groups that could pose a political challenge to the regime in power. Persons who advocate negotiations with the NLF are routinely picked up by the Special Police and sentenced to stiff prison terms.

Pacification usually brings to mind "good will" projects like school construction and free medical care in Vietnam, however, the paramount task of the U.S. pacification effort is the identification and neutralization of the local NLF administrative apparatus. In Pentagon nomenclature, the "Viet Cong Infrastructure" (VCI). The counter-infrastructure campaign was initiated by the CIA in July 1968 as the "Phung Hoang" program—better known in English as Operation Phoenix. This program, incorporated into the Civil Operations and Revolutionary Development Support (CORDS) effort, is described by American officials as "a systematic effort at intelligence coordination and exploitation." In the *intelligence* phase, all allied intelligence services—including South Vietnam's Special Police Branch and America's CIA and military intelligence organization—are supposed to pool the data they have collected (or forcibly extracted) from informers and prisoners on the identity of NLF cadres. It is for this ultimate purpose that most of the other police functions described above—interdiction, identification, registration and surveillance—are carried on. In the *exploitation* phase of Phoenix, members of the paramilitary National Police Field Forces, sometimes assisted by the Army, make secret, small-scale raids into contested areas to seize or eliminate persons who have been identified by the intelligence services as "VCI agents." In testimony before the Senate Foreign Relations Committee, the head of CORDS, ex-CIA agent William E. Colby stated that in 1969 a total of 19,534

suspected VCI agents had been "neutralized"—of this amount 8,187 had been killed, 8,515 arrested, and 4,832 persuaded to join the Saigon side. Colby insisted that Phoenix did not constitute an "assassination" or "counter-terror" operation.

Each of the counterinsurgency programs described has been accompanied by an expansion of the prison population of South Vietnam. Since prison management is considered a major task of the overall police responsibility, the U.S. Public Safety program includes substantial assistance to the Directorate of Corrections—the Saigon agency ultimately responsible for the operation of South Vietnam's 41 civil prisons. U.S. aid has enabled the Directorate to enlarge the prison system from its 1967 capacity of 20,000 prisoners to the present capacity of 33,435 inmates.

From 1967-1969, OPS expenditures in support of prison maintenance have totaled \$1.6 million. Specific project targets in 1969, according to AID's *Program and Project Data Presentations to the Congress*, include: "The renovation and expansion of selected correction centers, the addition of up to 1,000 trained personnel to administer correction centers . . . and the implementation of a plan for relocating prisoners in order to reduce overcrowding and provide greater security from VC attacks." To achieve these targets, "AID will provide technical advisors to help supervise relocations and to train new recruits . . . [and] will provide supplies for prison security . . ." One of the facilities selected for the relocation program was the dread prison of Con Son Island with its now-notorious "tiger cages."

TIGER CAGES GET HIGH RATINGS

Americans who were in Saigon in the late Fifties under the Michigan State-CIA police advisory mission noted at the time that opposition politicians were frequently carted off to Con Son. The U.S. government's own figures state that at least 70 percent of the prisoner population throughout Vietnam is political, and another nine percent is "military"—that is, POWs. It has been said for years that to know the status of the non-communist political opposition, Con Son was the place to go.

U.S. Public Safety Advisor Frank Walton, former Los Angeles Deputy Chief of Police, with a reputation for being hard on minorities, is one of 225 Public Safety Advisors with the Agency for International Development in Vietnam. Walton declared Con Son to be "a correctional institution worthy of higher ratings than some prisons in the U.S." with "enlightened and modern administration."

In order to upgrade the administrative capabilities of the Corrections Directorate, AID regularly provides training to Vietnamese prison officials "outside of Vietnam." Although AID does not divulge any details, the ten officials receiving such training in fiscal year 1969 are probably among the 60 Vietnamese police officers brought to the U.S. to attend special courses. According to the AID manual on *Public Safety Training*, foreign police personnel can attend an 18-week course in "Penology and Corrections" at Southern Illinois University in Carbondale. The Southern Illinois program includes instruction in such topics as: "disposition of convicted offenders and juveniles; philosophy and practice of correctional institutional management; methods of correctional staff training and development." The program also includes a course on "Correctional Institute Design and Construction."

One begins to appreciate the breadth of the Vietnam program by reading AID's 1971 budget request—\$13 million is being sought to achieve the following "Project Targets":

... provision of commodity and advisory support for a police force of 108,000 men by the end of FY 1971 . . . assisting the National

Identity Registration Program (NIRP) to register more than 12,000,000 persons 15 years of age and over by the end of 1971; continuing to provide basic and specialized training for approximately 40,000 police annually; providing technical assistance to the police detention system including planning and supervision of the construction of facilities for an additional 2,000 inmates during 1970; and helping to achieve a major increase in the number of police presently working (6,100) at the village level.

"This presentation, it must be remembered, only represents programs under AID authority missing from this prospectus are NP activities financed by the CIA and the Defense Department. Military Assistance funds are used to finance the activities of the paramilitary National Police Field Forces (NPFF), which, by January 1969, constituted a small army of 12,000 men organized into 75 companies (our expansion plans call for a total complement of 22,500 men and 108 companies by the end of 1970). Because of the "military commonality" of their equipment, all commodities support to the NPFF is provided by the Pentagon. The extent of CIA contributions to the National Police is of course impossible to determine; it is known, however, that the CIA has been involved in modernizing Vietnam's secret police files since 1955. One does not have to invoke the sinister image of the CIA, however, to establish beyond a doubt that the United States is intimately involved in every barbarous act committed by the South Vietnamese police on behalf of the Saigon government.

Mr. ABOUREZK. Mr. President, there are other programs in the Office of Public Safety which concern me a great deal. According to reports which I received last year, the U.S. Government has been training foreign policemen in bomb-making at a remote desert camp in Texas. At the U.S. Border Patrol Academy in Los Fresnos, Tex., foreign policemen are taught the design, manufacture and potential uses of homemade bombs and incendiary devices by IPA instructors. At least 165 policemen have taken this "Technical Investigations Course" since it was first offered in 1969.

While I was assured at the time that the course had been terminated, I have recently learned that it has resurfaced—this time in Edgewood, Md. According to E. H. Adkins, Deputy Director of the IPA, in an interview with Carol Clifford of the Los Angeles Times, the course has been "revamped" and renamed prevention and investigation of contemporary violence.

In addition to the bomb school, I have learned that International Police Academy graduates also attend a school for Psychological Operations at Fort Bragg, N.C.

The school, which is held at the U.S. Army Institute for Military Assistance at Fort Bragg, N.C., includes courses with such titles as subversive insurgent methodology, psychological operations in support of internal defense and development, the role of intelligence and internal defense. According to Adkins, the purpose of the school is to "teach police how the military handles psychological warfare problems."

We have also learned that the IPA counts among its graduates security guards employed by Aramco, the Arabian American Oil Co.

I could go on, with other reports of OP's activity which I have found in the

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last year including letters from foreigners indicating U.S. complicity in the use of torture in countries abroad, but I think that the point is clear:

This country is involved in an activity which is totally divorced from the scope and intention of U.S. foreign aid. The Office of Public Safety and the International Police Academy mocks the purpose of other AID programs and has inflicted an indelible blemish on the past record and accomplishments of USAID programs.

For this reason, I am introducing an amendment to the Foreign Assistance Act of 1975 which would prohibit this insensible activity from continuing.

Last year we were only partially successful in curtailing the activities of the OPS. Presently, only U.S. funds for police training in foreign countries is prohibited. Obviously, a great deal of activity has continued to persist. The International Police Academy has now graduated 4,000 students and they continue to come. Supporting assistance to many of the most repressive governments in the world today continue to go on unabated. And new programs such as the "contemporary violence" course in Maryland continue to spring up.

It is time, I believe that the Congress terminates this program and all related activities in regard to police and prison support. I am hopeful that my colleagues will agree with me, and support this amendment when it comes up for consideration later this summer.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1511

On page 7, between lines 13 and 14, insert the following new section:

PROHIBITING POLICE TRAINING

SEC. 10. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. (a) Prohibiting Police Training.—None of the funds made available to carry out this or any other law, and none of the local currencies accruing under this or any other law, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other internal security forces of any foreign government or any program of internal intelligence of surveillance on behalf of any foreign government within the United States or abroad.

"(b) Subsection (a) of this section shall not apply—

"(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States; or

"(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program.

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment."

(b) Section 112 of such Act is repealed. On page 7, line 18, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

AMENDMENT NO. 1512

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. ABOUREZEK. Mr. President, today I am introducing an amendment to S. 3394, the foreign aid bill which provides that no military assistance shall be made available to any foreign government during any period in which that government does not allow such international organizations as the International Committee of the Red Cross, the International Commission of Jurists, Amnesty International, and the Inter-American Commission on Human Rights free access into their prisons for the sole purpose of conducting inspections with respect to alleged violations of human rights.

I join a growing number of Americans who are deeply concerned over the rampant violations of human rights and the need for a more effective response from the U.S. Government. Despite national differences, ideological variances, and numerous reasons, a large and ever-growing number of American citizens find a common cause in coming to the aid of the oppressed in countries throughout the world.

The sad but unfortunate fact is that gross and malicious violations of human rights continue to persist in almost every part of the world. Torture, mass imprisonment, summary executions, and discrimination, and other abhorrent violations continue to be used—sometimes quite overtly—in countries whose governments the United States consider to be among its closest friends.

While no one disputes the role of any government in guaranteeing to its citizens the most basic freedoms and rights accorded to every human being, it has become apparent in recent years that many governments not only neglect to guarantee these rights but actually deny them.

Contrary to what many now believe, government repression is not limited to one particular ideology. Governments from every part of the political spectrum have at one time in recent years been accused of violating the fundamental rights of its citizens.

While the protection of human rights remains essentially the responsibility of each government, it becomes the responsibility of the international community when violations occur at the hands of the government. It must be the responsibility of concerned governments and international organizations to help defend the human rights of all people throughout the world.

For this reason, the United Nations and its specialized agencies have developed an extensive body of international law pertaining to human rights. In the latest U.N. compilation of specific human rights instruments of the U.N. 13 declarations and 23 conventions are listed.

Unfortunately, the U.S. record on ratification of human rights treaties has been a dismal failure. According to the report on Human Rights in the World Community submitted to Congress by the

House Subcommittee on International Organizations and Movements earlier this year, the United States, through this failure to become a party to all but a few of the human rights treaties, has become increasingly isolated from the development of human rights law. There can be little question that this embarrassing failure has impaired both our participation in international cooperation in human rights as well as any bilateral efforts which this Government may have considered to persuade governments to respect international human rights standards.

One major cause for the embarrassing failure on the part of the United States in this regard is that the people in this country have not been made aware of the inhuman atrocities and the repressive and barbaric tactics which some governments in the world insist on using as their only means of staying in power.

They have not been told that people are thrown in prison in many countries simply because of their beliefs or their disagreement with their own government. They are not told that the most unbelievable forms of torture known to man are used daily by some government officials on their own citizens. Americans are unaware that thousands of innocent people are shot each year without so much as a hearing on the crimes which they are accused of committing. Most important of all, few U.S. taxpayers know that part of their hard earned wages are going, in taxes, to support these repressive measures—sometimes directly through the export of police and prison equipment and many times indirectly through direct payments to many of the most repressive regimes in the world today.

A large part of the problem lies directly within our own State Department. The Department as well as the entire Nixon administration chooses to pretend that that repression, torture, and the abridgement of human rights simply does not exist. A recent example of this is the response received by Senator KENNEDY from the State Department in reply to the recommendations contained in a study mission report submitted by his Senate Subcommittee on Refugees. In regard to political prisoners in South Vietnam, the Department stated:

The Department of State cannot agree with the Study Mission's assertion that "the record is clear that political prisoners exist in South Vietnam."

We would add that the extensive evidence available to us simply does not sustain the highly publicized charges that civilian prisoners are subjected to widespread, systematic mistreatment in the jails of the Republic of Vietnam.

Time and again, the administration continues to attempt to solve the problems of blatant and gross violations of human rights simply by denying that they exist. The State Department assertion that there are no political prisoners in South Vietnam defies not only the findings of the Refugee Subcommittee, but also the scores of reports by responsible humanitarian organizations whose documented evidence leaves absolutely no question that these violations exist.

In Chile, while people are arrested, tortured, and summarily killed for any reason or even no reason, our Government is asking \$85 million in bilateral aid for the next fiscal year. Unlike other Western countries, we have offered no asylum to Chilean refugees. And we have said nothing, officially, about the murder and savagery.

If the United States only spoke out against the torture, if our Embassy in Santiago was active in watching the trials and other visible manifestations of oppression, if Congress could, just once, attach conditions to aid, those who rule Chile, South Vietnam, and other repressive countries would listen.

But we in the Government of the United States show no official concern for human rights. We have nothing to say about the repression and slavery of the Ache Indians in Paraguay or about the documented brutalities which have occurred in some of Paraguay's neighboring countries. In Korea, in Indonesia, in the Philippines, in Uruguay, in Brazil, and in scores of other countries whose governments are our "friends," the Government of the United States sits idly by as while grave acts of torture and murder continue to be committed.

In a recent article in the New York Times, Anthony Lewis summed up American indifference best:

Some of the nastiest governments in the world today were born or grew with American aid. That being the case, the most modest view of our responsibility would require us to say a restraining word to them occasionally. But we say nothing, we hear nothing, we see nothing.

Citing the State Department response regarding the nonexistence of South Vietnamese political prisoners which I mentioned earlier, Lewis writes:

Thus thousands of non-communists in South Vietnamese jails were made to vanish, the twisted creatures in tiger cages waved away. Thus the idealism that once marked America's place in the world has become indifference in the face of inhumanity.

Mr. President, it is appalling that the concern for human rights is not even considered in our country's foreign policy. It has been pushed from a low priority to total invisibility behind the "more important considerations" of political, economic, and military decisionmaking. It has been totally neglected and all but dismissed as a factor in United States foreign policy.

While one would be foolish to suggest that the human rights factor should be the only consideration, or even the single, major factor in determining our foreign policy, there is little doubt that it ought to be accorded far greater import than what now exists. If the United States cannot play a role in setting some kind of example for other countries to follow, then surely we cannot expect some other country or international organization to do so either.

In this country, respect for human rights is a fundamental tradition set down in the Constitution. The citizens in this country have long cherished this tradition as one of the most fundamental of all and one which is worth fighting for. We have encouraged other countries and their governments to accept the princi-

ples of our Bill of Rights to the point where we have even helped write their existing constitutions. The U.S. Government has had ample opportunity to impress upon these governments of the importance of guaranteeing human rights to all of their people—regardless of belief, race, or ideology.

Yet, the State Department has taken the position that questions involving human rights are domestic in nature and not relevant in determining bilateral relations. With almost weekly charges of serious violations of human rights somewhere in the world, the most the Department has done is to make private inquiries and low-keyed appeals to the government concerned.

While the State Department continues to rely on the "nonintervention" rationale in cases involving human rights, it is all but forgotten at other times. In the last 15 years alone, we have seen overt examples of U.S. intervention in the Dominican Republic, in Cuba, and in Southeast Asia, merely to name three. God only knows how many covert operations the United States has been involved in during this same time period.

In addition, the United States has not hesitated to criticize violations of human rights in the Soviet Union—especially in regard to the Solzhenitsyn affair. Even a vast number of Members in the Senate have attempted to threaten to curtail trade with the Soviet Union if its emigration policy for Jews is not modified. Current U.S. policy, however, has made it clear that Soviet violations of human rights will not deter efforts to promote détente with the Soviet Union.

I concur with those who argue that as the importance of ideology in international relations continues to lessen, the United States must begin to consider a certain government's adherence to objective human rights standards as one important criterion in determining our foreign policy. Certainly, protection of human rights is often a better measure of the performance of a government than is ideology.

In the last year, the Senate has had the opportunity on several occasions to emphasize the importance of human rights in the implementation of foreign policy. We have attempted to establish some criteria which could be considered in determining who should receive U.S. foreign aid and just what that aid should consist of.

On each occasion, however, the supporters of this effort have been accused of intervening in the domestic affairs of another country, of using faulty criteria in establishing foreign policy, and of jeopardizing U.S. international political and military positions by offering or supporting such legislation.

Mr. President, I join those who believe that arguments such as these are completely wrong and totally without merit. I believe that the only way in which basic human rights can be considered in the overall determination of foreign policy is for the Congress to demonstrate its concern. Members of Congress should not hesitate to speak out forthrightly in calling for action by the executive branch in defense of international standards of human rights when

they are violated. It simply has got to start here.

It is for this reason that I am now introducing this amendment to the fiscal 1975 foreign aid bill.

The sole purpose of this amendment is to insure that those people who are imprisoned in countries whose governments are receiving U.S. military aid are being accorded the most basic of human rights. If, in the opinion of any one of the four organizations the Government is insuring these rights to its citizens, then there would be no question as to their eligibility for receiving U.S. foreign aid. However, if on the other hand, the organization determines that the rights of its citizens are being violated, the country would not be eligible for U.S. military assistance until those rights are restored.

The international organizations are a vital contributor to the international protection of human rights. Their value arises from their independence from governments which enables them to view objectively human rights situations in various countries without regard to political considerations. These traits of objectivity and political independence make it possible for nongovernmental organizations to speak out against human rights violations when governments are silent. I am therefore convinced that with the assistance of such international organizations, the United States can go a long way in insuring that at least in those countries who receive U.S. military aid, the basic human rights of their citizens are allowed.

In recent years, the world has witnessed an alarming increase in the violations of human rights including the practice of torture. Amnesty International estimates that torture exists in at least 64 countries at last count—many of whose governments are considered friends of ours. Until this country speaks out in defense of these rights, until we use our massive influence with many of these countries to terminate their inhumane treatment of their own citizens, the violations will continue to occur and most likely increase.

This amendment is an attempt to use that influence. Members of the Senate will have the opportunity to put the Congress on record as opposing the repugnant treatment of millions of people by their own government. It is an opportunity to begin to put an end to the torture, the unjust imprisonment, and the mass murders of thousands of innocent people. I believe that it is not only an opportunity, but a responsibility.

Mr. President, I ask unanimous consent that the text of the amendment be inserted into the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 1512

On page 7, between lines 13 and 14, insert the following:

ACCESS OF INTERNATIONAL ORGANIZATIONS TO PRISON

Sec. 10. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 659. Access of International Organizations to Prisons.—No funds made available to

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carry out this or any other law shall be used to provide military assistance or security supporting assistance or to make military sales, credit sales, or guaranties, to or for any foreign government during any period in which that government does not allow the International Committee of the Red Cross, the International Commission of Jurists, Amnesty International, or the Inter-American Commission on Human Rights, free access into the prisons of that country for the sole purpose of conducting inspections with respect to alleged violations of human rights."

On page 7, line 16, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENT NO. 1513

(Ordered to be printed and to lie on the table.)

Mr. MAGNUSON (for himself and Mr. MANSFIELD) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14832) to provide for a temporary increase in the public debt limit.

Mr. MAGNUSON. Mr. President, I submit an amendment authored by the distinguished majority leader (Mr. MANSFIELD) and myself to set a certain date, December 31, 1974, by which time private citizens shall be permitted to own gold for investment purposes. Under our amendment, the President would have discretionary authority to remove the present restrictions on private ownership before December 31. However, and I want to emphasize this point, the amendment would permit private ownership as of December 31 even if the President did not act. It should be noted that our amendment is essentially the same as the gold ownership provision contained in H.R. 15645 which has just recently been reported by the House Banking Committee. Consequently, we are confident our amendment would be acceptable to the House.

Mr. President, this is a matter in which Senator MANSFIELD and I both have long been interested, and we feel strongly that the time has arrived for resolving this issue once and for all. Last year, of course, the Senate passed legislation (S. 929) that would have permitted private ownership of gold beginning on December 31, 1973. The House bill, however, did not permit private ownership until such time as "the President finds and reports to the Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States international monetary position." As Senators know, the House provision prevailed in conference.

Mr. President, we can see how it might be beneficial to allow the administration some flexibility in bringing the present restrictions on private ownership to an end. However, all of us in this body know from hard experience how matters of this sort have a habit of just dragging on and on without final resolution.

The amendment we are offering today addresses both of those concerns—the need on one hand to give the administration some flexibility and the necessity

on the other hand of assuring that this matter will be brought to a final conclusion within a reasonably short period of time.

Mr. President, I urge adoption of the amendment.

AMENDMENT NO. 1514

(Ordered to be printed and to lie on the table.)

Mr. CHILES. Mr. President, I submit an amendment to H.R. 14832, which would prohibit the reduction of certain veterans' benefits as a result of increase in social security or railroad retirement benefits or certain other annuities.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1514

At the end of the bill add a new section as follows:

Sec. (a) Section 415(g) of title 38, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(4) Notwithstanding the provisions of paragraph (1) of this subsection in determining the annual income of any person for any year there shall not be included in such income—

"(A) the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly payment of annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of an annuity under section 8340 of title 5, United States Code, if—

"(1) such increase results from provision of law enacted after December 30, 1973, providing increases in the monthly benefits payable to individuals entitled to benefits under such section 202 or 223 of the Social Security Act, such increase results from provisions of law enacted after such date providing increases in railroad retirement benefits, or such adjustment results from a cost-of-living adjustment in a civil service retirement annuity effective after December 30, 1973; and

"(11) for the month (or any portion thereof) in which the Act containing such provisions of law was enacted or for which such adjustment was effective, such person was entitled to (I) a monthly insurance benefit under section 202 or 223 of the Social Security Act, monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, or an annuity under subchapter III of chapter 83 of title 5, United States Code, (or other comparable provision of law), as the case may be, and (II) dependency and indemnity compensation under the provisions of this chapter; and

"(B) the amount of any lump-sum payment paid to such person during such year if—

"(1) such payment is attributable to an increase in (I) the monthly insurance benefits to which such person is entitled under section 202 or 223 of the Social Security Act, or (II) the amount of the monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937;

"(11) such increase results from the enactment, after December 30, 1973, of any provision of law increasing (I) the monthly benefits payable to individuals entitled to benefits under section 202 or 223 of the Social

Security Act, or (II) the monthly payments of annuity or pension payable to individuals under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(11) such lump-sum payment is paid separately from the rest of any monthly insurance benefit of such person under section 202 or 223 of the Social Security Act or of any monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1937."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, in determining the annual income of any person for any year for purposes of this chapter or the first sentence of section 9(b) of the Veterans' Pension Act of 1959 or any prior law, there shall not be included in such income—

"(1) the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of annuity under section 8340 of title 5, United States Code, if—

"(A) such increase results from provisions of law enacted after December 30, 1973, providing increases in the monthly benefits payable to individuals entitled to benefits under such section 202 or 223 of the Social Security Act, such increase results from provisions of law enacted after such date providing increases in railroad retirement benefits, or such adjustment results from a cost-of-living adjustment in a civil service retirement annuity effective after December 30, 1973, and

"(B) for the month (or any portion thereof) in which the Act containing such provisions of law was enacted or for which such adjustment was effective, such person was entitled to (1) a monthly insurance benefit under section 202 or 223 of the Social Security Act, a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, or an annuity under subchapter III of chapter 83 of title 5, United States Code (or other comparable provision of law), as the case may be, and (11) pension under the provisions of this chapter or the first sentence of section 9(b) of the Veterans' Pension Act of 1959 or any prior law.

"(2) the amount of any lump-sum payment paid to such person during such year if—

"(A) such payment is attributable to an increase in (1) the monthly insurance benefits to which such person is entitled under section 202 or 223 of the Social Security Act, or (11) the amount of the monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937;

"(B) such increase results from the enactment, after December 30, 1973, of any provision of law increasing (i) the monthly benefits payable to individuals entitled to benefits under section 202 or 223 of the Social Security Act, or (11) the monthly payments of annuity or pension payable to individuals under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(C) such lump-sum payment is paid separately from the rest of any monthly insurance benefit of such person under section 202 or 223 of the Social Security Act or of any monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937."

Amend the title so as to read: "An Act to provide for a temporary increase in the public debt limit, and for other purposes."

AMENDMENT NO. 1518

(Ordered to be printed and to lie on the table.)

Mr. NELSON. Mr. President, today I am introducing an amendment to H.R. 14832, the Debt Ceiling Act, providing for a \$205 tax credit in place of the personal exemption in existing law. This \$205 tax credit, which would be used by all taxpayers, is a proposed substitute to the amendment offered by some of my colleagues providing for a \$190 tax credit or a \$825 personal exemption at the option of the taxpayer. Their amendment is tax reduction without tax reform.

A fundamental inequity of our present tax law is that the value of personal exemptions depends on one's tax bracket. The personal exemption is a deduction from adjusted gross income and is of substantially greater value to wealthy families.

For example, today's \$750 exemption reduces the income tax of a person in the lowest income tax bracket by \$10.14 percent of \$750—but saves a high-income person as much as \$525—70 percent of \$750. Let us consider a man with half a million dollars of income who is in the 70-percent bracket and a man earning \$5,000. If each is married with two children, the wealthy man will save \$2,100 because of the personal exemption and the man with \$5,000 will save about \$470. For a man in the 14 percent bracket, the birth of a child provides him with tax relief of \$105; for the man in the 50-percent bracket whose income may be over \$50,000, the relief is \$375. And for the wealthy man in the 70-percent bracket, the relief is \$525.

Logic would suggest that tax relief based on family size, should be greater

or at least the same for low-income families than for the high-income one. The advantage of a tax credit over the personal exemption has been recognized by tax experts and public leaders for many years. For example, this April 11 Senator KENNEDY, in a Senate speech stated:

We also need to overhaul the relationship between tax credits and tax deductions in the Internal Revenue Code. In the past, as part of overall tax reform, I have urged Congress to allow credits instead of deductions in a number of major areas, including the personal exemption.

It makes no sense to me that, because of the rate structure of our revenue laws, a child in a wealthy family is worth a tax saving of \$625 to his parents while a ghetto child is worth only \$105 in tax relief.

Rather than ending this inequity, the optional approach increases it. The optional approach of a tax credit only increased tax exemption would further reduce the progressivity of our tax system above the cut-off point—in this case, around \$20,000—since these high-income taxpayers would still benefit relatively more than the individual who takes the credit.

The across-the-board \$205 tax credit would achieve not only tax relief but greater equity in our tax law. A \$205 tax credit which would be a deduction from the final tax bill would be of equal value to all families. Providing for a credit instead of an exemption will make the income tax system far more progressive, and provide a substantial new equity for millions of taxpayers.

Furthermore, a tax credit concentrates tax relief among low- and middle-income families where it is most needed. For example, a study by the Joint Economic Committee shows that a family with a

budget of \$12,614 had to pay an extra \$1,138 just to maintain their 1972 living standards. Over the weekend, the Labor Department published a report demonstrating the devastating effect on middle Americans' standard of living and purchasing power. It provided fresh evidence that last year's inflation squeezed lower income and intermediate families harder than those at "higher" levels. This is because food prices rose the most last year and food, in percentage terms, is a bigger budget item for the less-well-off than the well-to-do.

For example, a typical lower income urban family of four needed 10.8 percent more money to sustain itself at the same standard of living in 1973 as they had in 1972. A middle-income family needed 10.3 percent more money to maintain the same standard of income.

It is these very people that would be helped the most by an across-the-board \$205 tax credit rather than an optional credit. For example, a couple with one dependent whose adjusted gross income is \$12,500 would have a tax savings of \$75 from present law under the optional credit, but \$120 under the \$205 tax credit. If this couple had two dependents, the tax savings would be \$111, and \$171 respectively.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at this time, two tables, one showing the Federal individual income tax liability under present law and under the optional tax credit and the \$205 tax credit, and the other showing the different tax savings for certain categories of taxpayers.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—FEDERAL INDIVIDUAL INCOME TAX LIABILITY UNDER PRESENT LAW, UNDER A \$190 NONREFUNDABLE TAX CREDIT OR AN \$825 PERSONAL EXEMPTION DEDUCTION AT THE TAXPAYER'S OPTION (PROPOSAL NO. 1), AND UNDER A \$205 NONREFUNDABLE MANDATORY TAX CREDIT (PROPOSAL NO. 2)—SINGLE PERSON AND MARRIED COUPLE WITH NO, 1, 2, AND 4 DEPENDENTS

(Assuming deductible personal expenses of 15 percent of income)

Adjusted gross income	Tax liability											
	Single person			Married couple with no dependents			Married couple with 1 dependent			Married couple with 2 dependents		
	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2
\$3,000.....	\$133	\$133	\$134	\$28	\$28	\$28	\$28	\$28	\$28	\$28	\$28	\$28
\$5,000.....	141	141	142	37	37	37	37	37	37	37	37	37
\$6,000.....	161	161	162	44	44	44	44	44	44	44	44	44
\$8,000.....	181	181	182	52	52	52	52	52	52	52	52	52
\$10,000.....	201	201	202	60	60	60	60	60	60	60	60	60
\$12,500.....	259	259	260	75	75	75	75	75	75	75	75	75
\$15,000.....	317	317	318	90	90	90	90	90	90	90	90	90
\$17,500.....	375	375	376	105	105	105	105	105	105	105	105	105
\$20,000.....	433	433	434	120	120	120	120	120	120	120	120	120
\$25,000.....	591	591	592	165	165	165	165	165	165	165	165	165

¹ Computed without reference to the tax tables for returns with adjusted gross income under \$10,000.

Source: Staff of the Joint Committee on Internal Revenue Taxation, May 30, 1974.

TABLE II.—TAX SAVINGS

Adjusted gross income	Married couple with 2 dependents	
	Under alternative tax credit	Under \$205 tax credit
\$8,000.....	\$196	\$156
\$10,000.....	175	235
\$12,500.....	111	171
\$15,000.....	77	137

Mr. NELSON. Mr. President, there are two other major reasons why the \$205

tax credit is to be preferred over the optional tax credit. First, it costs less, second, since it would take effect after December 31, 1974 it would not be financed by retroactive repeals, as of January 1, 1974, of existing laws.

The \$205 tax credit would provide \$6.786 billion in tax relief to 58,603 million American taxpayers. It would eliminate entirely the tax burden for 7,657 American taxpayers—mostly working families with moderate and low incomes.

The net cost to the Treasury, however,

would be \$5,274 billion—about 1 billion less than the optional tax credit—because tax relief based on family would be of equal value to all taxpayers.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at this time, a table showing aggregate decrease and increase in Federal individual income liability from the \$205 tax credit.

There being no objection, it was ordered to be printed in the RECORD, as follows: